

Calendar No. 627

104TH CONGRESS
2^D SESSION

S. J. RES. 63

JOINT RESOLUTION

Making continuing appropriations for the fiscal year ending September 30, 1997, and for other purposes.

SEPTEMBER 24 (legislative day, SEPTEMBER 20), 1996

Read the first time

SEPTEMBER 24, 1996

Read the second time and placed on the calendar

1 the several departments, agencies, corporations, and other
 2 organizational units of the Government for the fiscal year
 3 1997, and for other purposes, namely:

4 TITLE I—OMNIBUS APPROPRIATIONS

5 SEC. 101. (a) Such amounts as may be necessary for
 6 programs, projects or activities provided for in the Depart-
 7 ments of Commerce, Justice, and State, the Judiciary, and
 8 Related Agencies Appropriations Act, 1997, at a rate of
 9 operations and to the extent and in the manner provided
 10 as follows, to be effective as if it had been enacted into
 11 law as the regular appropriations Act:

12 AN ACT

13 Making appropriations for the Departments of Com-
 14 merce, Justice, and State, the Judiciary, and related agen-
 15 cies for the fiscal year ending September 30, 1997, and
 16 for other purposes.

17 TITLE I—DEPARTMENT OF JUSTICE

18 GENERAL ADMINISTRATION

19 SALARIES AND EXPENSES

20 For expenses necessary for the administration of the
 21 Department of Justice, \$75,773,000; of which not to ex-
 22 ceed \$3,317,000 is for the Facilities Program 2000, to
 23 remain available until expended: *Provided*, That not to ex-
 24 ceed 43 permanent positions and 44 full-time equivalent
 25 workyears and \$7,477,000 shall be expended for the De-

1 partment Leadership Program exclusive of augmentation
2 that occurred in these offices in fiscal year 1996: *Provided*
3 *further*, That not to exceed 41 permanent positions and
4 48 full-time equivalent workyears and \$4,660,000 shall be
5 expended for the Offices of Legislative Affairs and Public
6 Affairs: *Provided further*, That the latter two aforemen-
7 tioned offices shall not be augmented by personnel details,
8 temporary transfers of personnel on either a reimbursable
9 or non-reimbursable basis or any other type of formal or
10 informal transfer or reimbursement of personnel or funds
11 on either a temporary or long-term basis.

12 For an additional amount, for enhancements for the
13 Office of Intelligence Policy and Review and security
14 measures, \$3,600,000; of which \$2,170,000 is for security
15 enhancements: *Provided*, That the entire amount is des-
16 igned by Congress as an emergency requirement pursu-
17 ant to section 251(b)(2)(D)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985, as amended.

19 COUNTERTERRORISM FUND

20 For necessary expenses, as determined by the Attor-
21 ney General, \$9,450,000, to remain available until ex-
22 pended, to reimburse any Department of Justice organiza-
23 tion for (1) the costs incurred in reestablishing the oper-
24 ational capability of an office or facility which has been
25 damaged or destroyed as a result of the bombing of the
26 Alfred P. Murrah Federal Building in Oklahoma City or

1 any domestic or international terrorist incident, (2) the
2 costs of providing support to counter, investigate or pros-
3 ecute domestic or international terrorism, including pay-
4 ment of rewards in connection with these activities, and
5 (3) the costs of conducting a terrorism threat assessment
6 of Federal agencies and their facilities: *Provided*, That
7 funds provided under this heading shall be available only
8 after the Attorney General notifies the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate in accordance with section 605 of this Act.

11 For an additional amount for necessary expenses, as
12 determined by the Attorney General, \$20,000,000, to re-
13 main available until expended, to reimburse any Depart-
14 ment of Justice organization for (1) the costs incurred in
15 reestablishing the operational capability of an office or fa-
16 cility which has been damaged or destroyed as a result
17 of any domestic or international terrorist incident, or (2)
18 the costs of providing support to counter, investigate or
19 prosecute domestic or international terrorism, including
20 payment of rewards in connection with these activities:
21 *Provided*, That the entire amount is designated by Con-
22 gress as an emergency requirement pursuant to section
23 251(b)(2)(D)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, as amended.

1 TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

2 For necessary expenses, as determined by the Attor-
3 ney General, \$40,000,000 to remain available until ex-
4 pended, to be deposited in the Telecommunications Carrier
5 Compliance Fund for making payments to telecommuni-
6 cations carriers, equipment manufacturers, and providers
7 of telecommunications support services pursuant to sec-
8 tion 109 of this Act: *Provided*, That the entire amount
9 is designated by Congress as an emergency requirement
10 pursuant to section 251(b)(2)(D)(i) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985, as
12 amended: *Provided further*, That the entire amount not
13 previously designated by the President as an emergency
14 requirement shall be available only to the extent an official
15 budget request, for a specific dollar amount that includes
16 designation of the entire amount of the request as an
17 emergency requirement, as defined in the Balanced Budg-
18 et and Emergency Deficit Control Act of 1985, as amend-
19 ed, is transmitted to Congress.

20 ADMINISTRATIVE REVIEW AND APPEALS

21 For expenses necessary for the administration of par-
22 don and clemency petitions and immigration related activi-
23 ties, \$62,000,000.

24 For an additional amount for security measures for
25 the Executive Office of Immigration Review, \$1,000,000:
26 *Provided*, That the entire amount is designated by Con-

1 gress as an emergency requirement pursuant to section
2 251(b)(2)(D)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, as amended.

4 VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE
5 REVIEW AND APPEALS

6 For activities authorized by section 130005 of the
7 Violent Crime Control and Law Enforcement Act of 1994
8 (Public Law 103–322), as amended, \$48,000,000, to re-
9 main available until expended, which shall be derived from
10 the Violent Crime Reduction Trust Fund.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, as amended, \$31,960,000; including
15 not to exceed \$10,000 to meet unforeseen emergencies of
16 a confidential character, to be expended under the direc-
17 tion of, and to be accounted for solely under the certificate
18 of, the Attorney General; and for the acquisition, lease,
19 maintenance, and operation of motor vehicles, without re-
20 gard to the general purchase price limitation for the cur-
21 rent fiscal year.

22 UNITED STATES PAROLE COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States Parole
25 Commission as authorized by law, \$4,845,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; \$420,793,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed \$17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through “Salaries and Expenses”, General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, and credit to this appropriation, gifts of money, personal property and services, for the purposes of hosting the International Criminal

1 Police Organization's (INTERPOL) American Regional
2 Conference in the United States during fiscal year 1997:
3 *Provided further*, That not to exceed 8 permanent posi-
4 tions and 10 full-time equivalent workyears and \$987,000
5 shall be expended for the Office of Legislative Affairs of
6 Public Affairs: *Provided further*, That the latter two afore-
7 mentioned offices shall not be augmented by personnel de-
8 tails, temporary transfers of personnel on either a reim-
9 bursable or nonreimbursable basis or any other type of
10 formal or informal transfer or reimbursement of personnel
11 or funds on either a temporary or long-term basis.

12 In addition, for reimbursement of expenses of the De-
13 partment of Justice associated with processing cases
14 under the National Childhood Vaccine Injury Act of 1986
15 as amended, not to exceed \$4,028,000, to be appropriated
16 from the Vaccine Injury Compensation Trust Fund.

17 For an additional amount for expenses of the Crimi-
18 nal Division relating to terrorism, \$1,719,000, to remain
19 available until expended: *Provided*, That the entire amount
20 is designated by Congress as an emergency requirement
21 pursuant to section 251(b)(2)(D)(i) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985, as
23 amended.

1 VIOLENT CRIME REDUCTION PROGRAMS,
2 GENERAL LEGAL ACTIVITIES

3 For the expeditious deportation of denied asylum ap-
4 plicants, as authorized by section 130005 of the Violent
5 Crime Control and Law Enforcement Act of 1994 (Public
6 Law 103-322), as amended, \$7,750,000, to remain avail-
7 able until expended, which shall be derived from the Vio-
8 lent Crime Reduction Trust Fund.

9 SALARIES AND EXPENSES, ANTITRUST DIVISION

10 For expenses necessary for the enforcement of anti-
11 trust and kindred laws, \$76,447,000: *Provided*, That not-
12 withstanding any other provision of law, not to exceed
13 \$58,905,000 of offsetting collections derived from fees col-
14 lected for premerger notification filings under the Hart-
15 Scott-Rodino Antitrust Improvements Act of 1976 (15
16 U.S.C. 18(a)) shall be retained and used for necessary ex-
17 penses in this appropriation, and shall remain available
18 until expended: *Provided further*, That the sum herein ap-
19 propriated from the General Fund shall be reduced as
20 such offsetting collections are received during fiscal year
21 1997, so as to result in a final fiscal year 1997 appropria-
22 tion from the General Fund estimated at not more than
23 \$17,542,000: *Provided further*, That any fees received in
24 excess of \$58,905,000 in fiscal year 1997, shall remain
25 available until expended, but shall not be available for obli-
26 gation until October 1, 1997.

1 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2 For necessary expenses of the Office of the United
3 States Attorneys, including intergovernmental agree-
4 ments, \$921,440,000; of which not to exceed \$2,500,000
5 shall be available until September 30, 1998, for the pur-
6 poses of: (1) providing training of personnel of the Depart-
7 ment of Justice in debt collection, (2) providing services
8 to the Department of Justice related to locating debtors
9 and their property, such as title searches, debtor
10 skiptracing, asset searches, credit reports and other inves-
11 tigations, (3) paying the costs of the Department of Jus-
12 tice for the sale of property not covered by the sale pro-
13 ceeds, such as auctioneers' fees and expenses, maintenance
14 and protection of property and businesses, advertising and
15 title search and surveying costs, and (4) paying the costs
16 of processing and tracking debts owed to the United
17 States Government: *Provided*, That of the total amount
18 appropriated, not to exceed \$8,000 shall be available for
19 official reception and representation expenses: *Provided*
20 *further*, That not to exceed \$10,000,000 of those funds
21 available for automated litigation support contracts shall
22 remain available until expended: *Provided further*, That in
23 addition to reimbursable full-time equivalent workyears
24 available to the Office of the United States Attorneys, not
25 to exceed 8,652 positions and 8,936 full-time equivalent

1 workyears shall be supported from the funds appropriated
2 in this Act for the United States Attorneys.

3 For an additional amount for expenses relating to
4 terrorism and security needs, \$10,900,000: *Provided*, That
5 the entire amount is designated by Congress as an emer-
6 gency requirement pursuant to section 251(b)(2)(D)(i) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985, as amended.

9 VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES
10 ATTORNEYS

11 For activities authorized by sections 40114, 130005,
12 190001(b), 190001(d) and 250005 of the Violent Crime
13 Control and Law Enforcement Act of 1994 (Public Law
14 103–322), as amended, and section 815 of the
15 Antiterrorism and Effective Death Penalty Act of 1996
16 (Public Law 104–132), \$43,876,000, to remain available
17 until expended, which shall be derived from the Violent
18 Crime Reduction Trust Fund, of which \$28,602,000 shall
19 be available to help meet the increased demands for litiga-
20 tion and related activities, \$4,641,000 for Southwest Bor-
21 der Control, \$1,000,000 for Federal victim counselors,
22 and \$9,633,000 for expeditious deportation of denied asy-
23 lum applicants.

24 UNITED STATES TRUSTEE SYSTEM FUND

25 For necessary expenses of the United States Trustee
26 Program, as authorized by 28 U.S.C. 589a(a),

1 \$107,950,000, to remain available until expended and to
2 be derived from the United States Trustee System Fund:
3 *Provided*, That notwithstanding any other provision of
4 law, deposits to the Fund shall be available in such
5 amounts as may be necessary to pay refunds due deposi-
6 tors: *Provided further*, That notwithstanding any other
7 provision of law, \$107,950,000 of offsetting collections de-
8 rived from fees collected pursuant to 28 U.S.C. 589a(b)
9 shall be retained and used for necessary expenses in this
10 appropriation and remain available until expended: *Pro-*
11 *vided further*, That the sum herein appropriated from the
12 Fund shall be reduced as such offsetting collections are
13 received during fiscal year 1997, so as to result in a final
14 fiscal year 1997 appropriation from the Fund estimated
15 at \$0: *Provided further*, That any such fees collected in
16 excess of \$107,950,000 in fiscal year 1997 shall remain
17 available until expended but shall not be available for obli-
18 gation until October 1, 1997.

19 SALARIES AND EXPENSES, FOREIGN CLAIMS

20 SETTLEMENT COMMISSION

21 For expenses necessary to carry out the activities of
22 the Foreign Claims Settlement Commission, including
23 services as authorized by 5 U.S.C. 3109, \$953,000.

1 SALARIES AND EXPENSES, UNITED STATES MARSHALS
2 SERVICE

3 For necessary expenses of the United States Mar-
4 shals Service; including the acquisition, lease, mainte-
5 nance, and operation of vehicles and aircraft, and the pur-
6 chase of passenger motor vehicles for police-type use, with-
7 out regard to the general purchase price limitation for the
8 current fiscal year, \$457,495,000, as authorized by 28
9 U.S.C. 561(i); of which not to exceed \$6,000 shall be
10 available for official reception and representation ex-
11 penses; and of which not to exceed \$4,000,000 for develop-
12 ment, implementation, maintenance and support, and
13 training for an automated prisoner information system,
14 and \$2,200,000 to support the Justice Prisoner and Alien
15 Transportation System, shall remain available until ex-
16 pended: *Provided*, That, with respect to the amounts ap-
17 propriated above, the service of maintaining and trans-
18 porting State, local, or territorial prisoners shall be consid-
19 ered a specialized or technical service for purposes of 31
20 U.S.C. 6505, and any prisoners so transported shall be
21 considered persons (transported for other than commercial
22 purposes) whose presence is associated with the perform-
23 ance of a governmental function for purposes of 49 U.S.C.
24 40102: *Provided further*, That not to exceed 12 permanent
25 positions and 12 full-time equivalent workyears and

1 \$700,000 shall be expended for the Offices of Legislative
2 Affairs and Public Affairs: *Provided further*, That the lat-
3 ter two aforementioned offices shall not be augmented by
4 personnel details, temporary transfers of personnel on ei-
5 ther a reimbursable or nonreimbursable basis or any other
6 type of formal or informal transfer or reimbursement of
7 personnel or funds on either a temporary or long-term
8 basis.

9 VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES
10 MARSHALS SERVICE

11 For activities authorized by section 190001(b) of the
12 Violent Crime Control and Law Enforcement Act of 1994
13 (Public Law 103–322), as amended, \$25,000,000, to re-
14 main available until expended, which shall be derived from
15 the Violent Crime Reduction Trust Fund.

16 FEDERAL PRISONER DETENTION

17 For expenses, related to United States prisoners in
18 the custody of the United States Marshals Service as au-
19 thorized in 18 U.S.C. 4013, but not including expenses
20 otherwise provided for in appropriations available to the
21 Attorney General, \$405,262,000, as authorized by 28
22 U.S.C. 561(i), to remain available until expended: *Pro-*
23 *vided*, That this appropriation hereafter shall not be avail-
24 able for expenses authorized under 18 U.S.C. 4013(a)(4).

1 FEES AND EXPENSES OF WITNESSES

2 For expenses, mileage, compensation, and per diems
3 of witnesses, for expenses of contracts for the procurement
4 and supervision of expert witnesses, for private counsel ex-
5 penses, and for per diems in lieu of subsistence, as author-
6 ized by law, including advances, \$100,702,000, to remain
7 available until expended; of which not to exceed
8 \$4,750,000 may be made available for planning, construc-
9 tion, renovations, maintenance, remodeling, and repair of
10 buildings, and the purchase of equipment incident thereto,
11 for protected witness safesites; of which not to exceed
12 \$1,000,000 may be made available for the purchase and
13 maintenance of armored vehicles for transportation of pro-
14 tected witnesses; and of which not to exceed \$4,000,000
15 may be made available for the purchase, installation and
16 maintenance of a secure, automated information network
17 to store and retrieve the identities and locations of pro-
18 tected witnesses.

19 SALARIES AND EXPENSES, COMMUNITY RELATIONS

20 SERVICE

21 For necessary expenses of the Community Relations
22 Service, established by title X of the Civil Rights Act of
23 1964, \$5,319,000: *Provided*, That notwithstanding any
24 other provision of law, upon a determination by the Attor-
25 ney General that emergent circumstances require addi-
26 tional funding for conflict prevention and resolution activi-

1 ties of the Community Relations Service, the Attorney
2 General may transfer such amounts to the Community Re-
3 lations Service, from available appropriations for the cur-
4 rent fiscal year for the Department of Justice, as may be
5 necessary to respond to such circumstances: *Provided fur-*
6 *ther*, That any transfer pursuant to this paragraph shall
7 be treated as a reprogramming under section 605 of this
8 Act and shall not be available for obligation or expenditure
9 except in compliance with the procedures set forth in that
10 section.

11 ASSETS FORFEITURE FUND

12 For expenses authorized by 28 U.S.C. 524(c)(1)
13 (A)(ii), (B), (C), (F), and (G), as amended, \$23,000,000,
14 to be derived from the Department of Justice Assets For-
15 feiture Fund.

16 RADIATION EXPOSURE COMPENSATION

17 ADMINISTRATIVE EXPENSES

18 For necessary administrative expenses in accordance
19 with the Radiation Exposure Compensation Act,
20 \$2,000,000.

21 PAYMENT TO RADIATION EXPOSURE COMPENSATION

22 TRUST FUND

23 For payments to the Radiation Exposure Compensa-
24 tion Trust Fund, \$13,736,000, not to be available for ob-
25 ligation until September 30, 1997.

1 INTERAGENCY LAW ENFORCEMENT

2 INTERAGENCY CRIME AND DRUG ENFORCEMENT

3 For necessary expenses for the detection, investiga-
4 tion, and prosecution of individuals involved in organized
5 crime drug trafficking not otherwise provided for, to in-
6 clude intergovernmental agreements with State and local
7 law enforcement agencies engaged in the investigation and
8 prosecution of individuals involved in organized crime drug
9 trafficking, \$359,430,000, of which \$50,000,000 shall re-
10 main available until expended: *Provided*, That any
11 amounts obligated from appropriations under this heading
12 may be used under authorities available to the organiza-
13 tions reimbursed from this appropriation: *Provided fur-*
14 *ther*, That any unobligated balances remaining available
15 at the end of the fiscal year shall revert to the Attorney
16 General for reallocation among participating organizations
17 in succeeding fiscal years, subject to the reprogramming
18 procedures described in section 605 of this Act.

19 FEDERAL BUREAU OF INVESTIGATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Federal Bureau of In-
22 vestigation for detection, investigation, and prosecution of
23 crimes against the United States; including purchase for
24 police-type use of not to exceed 2,706 passenger motor ve-
25 hicles, of which 1,945 will be for replacement only, without

1 regard to the general purchase price limitation for the cur-
2 rent fiscal year, and hire of passenger motor vehicles; ac-
3 quisition, lease, maintenance, and operation of aircraft;
4 and not to exceed \$70,000 to meet unforeseen emergencies
5 of a confidential character, to be expended under the di-
6 rection of, and to be accounted for solely under the certifi-
7 cate of, the Attorney General; \$2,489,361,000, of which
8 not to exceed \$50,000,000 for automated data processing
9 and telecommunications and technical investigative equip-
10 ment and \$1,000,000 for undercover operations shall re-
11 main available until September 30, 1998; of which not less
12 than \$147,081,000 shall be for counterterrorism inves-
13 tigations, foreign counterintelligence, and other activities
14 related to our national security; of which not to exceed
15 \$98,400,000 shall remain available until expended; and of
16 which not to exceed \$10,000,000 is authorized to be made
17 available for making payments or advances for expenses
18 arising out of contractual or reimbursable agreements
19 with State and local law enforcement agencies while en-
20 gaged in cooperative activities related to violent crime, ter-
21 rorism, organized crime, and drug investigations; and of
22 which \$1,500,000 shall be available to maintain an inde-
23 pendent program office dedicated solely to the relocation
24 of the Criminal Justice Information Services Division and
25 the automation of fingerprint identification services: *Pro-*

1 *vided*, That not to exceed \$45,000 shall be available for
2 official reception and representation expenses: *Provided*
3 *further*, That not to exceed 81 permanent positions and
4 85 full-time equivalent workyears and \$5,959,000 shall be
5 expended for the Office of Legislative Affairs or Public
6 Affairs: *Provided further*, That the latter two aforemen-
7 tioned offices shall not be augmented by personnel details,
8 temporary transfers of personnel on either a reimbursable
9 or nonreimbursable basis or any other type of formal or
10 informal transfer or reimbursement of personnel or funds
11 on either a temporary or long-term basis.

12 For an additional amount for necessary expenses of
13 the Federal Bureau of Investigation to prevent and inves-
14 tigate terrorism activities and incidents; provide for addi-
15 tional agents and support staff; protect key physical as-
16 sets; establish a capability for chemical, biological and nu-
17 clear research; improve domestic intelligence; and improve
18 security at Federal Bureau of Investigation offices,
19 \$115,610,000, as authorized by the Antiterrorism and Ef-
20 fective Death Penalty Act of 1996 (Public Law 104–132):
21 *Provided*, That the entire amount is designated by Con-
22 gress as an emergency requirement pursuant to section
23 251(b)(2)(D)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, as amended.

1 VIOLENT CRIME REDUCTION PROGRAMS

2 For activities authorized by the Violent Crime Con-
3 trol and Law Enforcement Act of 1994 (Public Law 103-
4 322) as amended (“the 1994 Act”), and the Antiterrorism
5 and Effective Death Penalty Act of 1996 (“the
6 Antiterrorism Act”), \$169,000,000, to remain available
7 until expended, which shall be derived from the Violent
8 Crime Reduction Trust Fund; of which \$76,356,000 shall
9 be for activities authorized by section 190001(c) of the
10 1994 Act and section 811 of the Antiterrorism Act;
11 \$53,404,000 shall be for activities authorized by section
12 190001(b) of the 1994 Act, of which \$20,240,000 shall
13 be for activities authorized by section 103 of the Brady
14 Handgun Violence Prevention Act (Public Law 103-159),
15 as amended; \$4,000,000 shall be for training and inves-
16 tigative assistance authorized by section 210501 of the
17 1994 Act; \$9,500,000 shall be for grants to States, as au-
18 thorized by section 811(b) of the Antiterrorism Act; and
19 \$5,500,000 shall be for establishing DNA quality-assur-
20 ance and proficiency-testing standards, establishing an
21 index to facilitate law enforcement exchange of DNA iden-
22 tification information, and related activities authorized by
23 section 210501 of the 1994 Act.

24 CONSTRUCTION

25 For necessary expenses to construct or acquire build-
26 ings and sites by purchase, or as otherwise authorized by

1 law (including equipment for such buildings); conversion
2 and extension of federally owned buildings; and prelimi-
3 nary planning and design of projects; \$41,639,000, to re-
4 main available until expended.

5 DRUG ENFORCEMENT ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Drug Enforcement Ad-
8 ministration, including not to exceed \$70,000 to meet un-
9 foreseen emergencies of a confidential character, to be ex-
10 pended under the direction of, and to be accounted for
11 solely under the certificate of, the Attorney General; ex-
12 penses for conducting drug education and training pro-
13 grams, including travel and related expenses for partici-
14 pants in such programs and the distribution of items of
15 token value that promote the goals of such programs; pur-
16 chase of not to exceed 1,158 passenger motor vehicles, of
17 which 1,032 will be for replacement only, for police-type
18 use without regard to the general purchase price limitation
19 for the current fiscal year; and acquisition, lease, mainte-
20 nance, and operation of aircraft; \$745,388,000, of which
21 not to exceed \$1,800,000 for research and \$15,000,000
22 for transfer to the Drug Diversion Control Fee Account
23 for operating expenses shall remain available until ex-
24 pended, and of which not to exceed \$4,000,000 for pur-
25 chase of evidence and payments for information, not to

1 exceed \$4,000,000 for contracting for automated data
2 processing and telecommunications equipment, and not to
3 exceed \$2,000,000 for laboratory equipment, \$4,000,000
4 for technical equipment, and \$2,000,000 for aircraft re-
5 placement retrofit and parts, shall remain available until
6 September 30, 1998; and of which not to exceed \$50,000
7 shall be available for official reception and representation
8 expenses: *Provided*, That not to exceed 25 permanent posi-
9 tions and 25 full-time equivalent workyears and
10 \$1,828,000 shall be expended for the Office of Legislative
11 Affairs or Public Affairs: *Provided further*, That the latter
12 two aforementioned offices shall not be augmented by per-
13 sonnel details, temporary transfers of personnel on either
14 a reimbursable or nonreimbursable basis or any other type
15 of formal or informal transfer or reimbursement of person-
16 nel or funds on either a temporary or long-term basis.

17 For an additional amount for security measures for
18 domestic and foreign Drug Enforcement Administration
19 offices, \$5,000,000: *Provided*, That the entire amount is
20 designated by Congress as an emergency requirement pur-
21 suant to section 251(b)(2)(D)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended.

23 VIOLENT CRIME REDUCTION PROGRAMS

24 For activities authorized by sections 180104 and
25 190001(b) of the Violent Crime Control and Law Enforce-
26 ment Act of 1994 (Public Law 103-322), as amended,

1 and section 814 of the Antiterrorism and Effective Death
 2 Penalty Act of 1996 (Public Law 104–132), and for the
 3 purchase of passenger motor vehicles for police-type use,
 4 as otherwise authorized in this title, \$220,000,000, to re-
 5 main available until expended, which shall be derived from
 6 the Violent Crime Reduction Trust Fund.

7 CONSTRUCTION

8 For necessary expenses to construct or acquire build-
 9 ings and sites by purchase, or as otherwise authorized by
 10 law (including equipment for such buildings); conversion
 11 and extension of federally-owned buildings; and prelimi-
 12 nary planning and design of projects; \$30,806,000, to re-
 13 main available until expended.

14 IMMIGRATION AND NATURALIZATION SERVICE

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For expenses, not otherwise provided for, necessary
 18 for the administration and enforcement of the laws relat-
 19 ing to immigration, naturalization, and alien registration,
 20 including 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-
 24 type use (not to exceed 2,691, of which 1,711 are for re-
 25 placement only), without regard to the general purchase
 26 price limitation for the current fiscal year, and hire of pas-

1 senger motor vehicles; acquisition, lease, maintenance and
2 operation of aircraft; and research related to immigration
3 enforcement; \$1,600,000,000, of which not to exceed
4 \$400,000 for research shall remain available until ex-
5 pended; and of which not to exceed \$10,000,000 shall be
6 available for costs associated with the training program
7 for basic officer training, and \$5,000,000 is for payments
8 or advances arising out of contractual or reimbursable
9 agreements with State and local law enforcement agencies
10 while engaged in cooperative activities related to immigra-
11 tion: *Provided*, That none of the funds available to the Im-
12 migration and Naturalization Service shall be available to
13 pay any employee overtime pay in an amount in excess
14 of \$30,000 during the calendar year beginning January
15 1, 1997: *Provided further*, That uniforms may be pur-
16 chased without regard to the general purchase price limi-
17 tation for the current fiscal year: *Provided further*, That
18 not to exceed \$5,000 shall be available for official recep-
19 tion and representation expenses: *Provided further*, That
20 none of the funds provided in this or any other Act shall
21 be used for the continued operation of the San Clemente
22 and Temecula checkpoints unless the checkpoints are open
23 and traffic is being checked on a continuous 24-hour basis:
24 *Provided further*, That the Land Border Fee Pilot Project
25 scheduled to end September 30, 1996, is extended to Sep-

1 tember 30, 1999 for projects on both the northern and
2 southern borders of the United States, except that no pilot
3 program may implement a universal land border crossing
4 toll: *Provided further*, That obligated and unobligated bal-
5 ances available to “Salaries and Expenses, Community
6 Relations Service” under section 501(c) of the Refugee
7 Education Assistance Act of 1980 are transferred to this
8 account and shall remain available until expended.

9 For an additional amount to support the detention
10 and removal of aliens with ties to terrorist organizations
11 and expand the detention and removal of illegal aliens and
12 enhance the intelligence of the Immigration and Natu-
13 ralization Service, \$15,000,000; of which \$10,000,000
14 shall be for detention and removal of aliens: *Provided*,
15 That the entire amount is designated by Congress as an
16 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 VIOLENT CRIME REDUCTION PROGRAMS

20 For activities authorized by sections 130002,
21 130005, 130006, 130007, and 190001(b) of the Violent
22 Crime Control and Law Enforcement Act of 1994 (Public
23 Law 103–322), as amended, and section 813 of the
24 Antiterrorism and Effective Death Penalty Act of 1996
25 (Public Law 104–132), \$500,000,000 to remain available
26 until expended, which will be derived from the Violent

1 Crime Reduction Trust Fund, of which \$66,217,000 shall
2 be for expeditious deportation of denied asylum applicants,
3 \$317,256,000 shall be for improving border controls, and
4 \$116,527,000 shall be for detention and deportation pro-
5 ceedings: *Provided*, That amounts not required for asylum
6 processing provided under the expeditious deportation of
7 denied asylum applicants shall also be available for other
8 deportation program activities.

9 CONSTRUCTION

10 For planning, construction, renovation, equipping,
11 and maintenance of buildings and facilities necessary for
12 the administration and enforcement of the laws relating
13 to immigration, naturalization, and alien registration, not
14 otherwise provided for, \$9,841,000, to remain available
15 until expended.

16 FEDERAL PRISON SYSTEM

17 SALARIES AND EXPENSES

18 For expenses necessary for the administration, oper-
19 ation, and maintenance of Federal penal and correctional
20 institutions, including purchase (not to exceed 836, of
21 which 572 are for replacement only), and hire of law en-
22 forcement and passenger motor vehicles; and for the provi-
23 sion of technical assistance and advice on corrections re-
24 lated issues to foreign governments; \$2,768,316,000: *Pro-*
25 *vided*, That the Attorney General may transfer to the
26 Health Resources and Services Administration such

1 amounts as may be necessary for direct expenditures by
2 that Administration for medical relief for inmates of Fed-
3 eral penal and correctional institutions: *Provided further,*
4 That the Director of the Federal Prison System (FPS),
5 where necessary, may enter into contracts with a fiscal
6 agent/fiscal intermediary claims processor to determine
7 the amounts payable to persons who, on behalf of the
8 FPS, furnish health services to individuals committed to
9 the custody of the FPS: *Provided further,* That uniforms
10 may be purchased without regard to the general purchase
11 price limitation for the current fiscal year: *Provided fur-*
12 *ther,* That not to exceed \$6,000 shall be available for offi-
13 cial reception and representation expenses: *Provided fur-*
14 *ther,* That not to exceed \$90,000,000 for the activation
15 of new facilities shall remain available until September 30,
16 1998: *Provided further,* That of the amounts provided for
17 Contract Confinement, not to exceed \$20,000,000 shall re-
18 main available until expended to make payments in ad-
19 vance for grants, contracts and reimbursable agreements,
20 and other expenses authorized by section 501(c) of the
21 Refugee Education Assistance Act of 1980, as amended,
22 for the care and security in the United States of Cuban
23 and Haitian entrants: *Provided further,* That notwith-
24 standing section 4(d) of the Service Contract Act of 1965
25 (41 U.S.C. 353(d)), FPS may enter into contracts and

1 other agreements with private entities for periods of not
2 to exceed 3 years and 7 additional option years for the
3 confinement of Federal prisoners: *Provided further*, That
4 the National Institute of Corrections hereafter shall be in-
5 cluded in the FPS Salaries and Expenses budget, in the
6 Contract Confinement program and shall continue to per-
7 form its current functions under 18 U.S.C. 4351, et seq.,
8 with the exception of its grant program and shall collect
9 reimbursement for services whenever possible: *Provided*
10 *further*, That any unexpended balances available to the
11 “National Institute of Corrections” account shall be cred-
12 ited to and merged with this appropriation, to remain
13 available until expended.

14 VIOLENT CRIME REDUCTION PROGRAMS

15 For substance abuse treatment in Federal prisons as
16 authorized by section 32001(e) of the Violent Crime Con-
17 trol and Law Enforcement Act of 1994 (Public Law 103-
18 322), as amended, \$25,224,000, to remain available until
19 expended, which shall be derived from the Violent Crime
20 Reduction Trust Fund.

21 BUILDINGS AND FACILITIES

22 For planning, acquisition of sites and construction of
23 new facilities; leasing the Oklahoma City Airport Trust
24 Facility; purchase and acquisition of facilities and remod-
25 eling, and equipping of such facilities for penal and correc-
26 tional use, including all necessary expenses incident there-

1 to, by contract or force account; and constructing, remod-
2 eling, and equipping necessary buildings and facilities at
3 existing penal and correctional institutions, including all
4 necessary expenses incident thereto, by contract or force
5 account; \$395,700,000, to remain available until ex-
6 pended, of which not to exceed \$14,074,000 shall be avail-
7 able to construct areas for inmate work programs: *Pro-*
8 *vided*, That labor of United States prisoners may be used
9 for work performed under this appropriation: *Provided*
10 *further*, That not to exceed 10 percent of the funds appro-
11 priated to “Buildings and Facilities” in this Act or any
12 other Act may be transferred to “Salaries and Expenses”,
13 Federal Prison System, upon notification by the Attorney
14 General to the Committees on Appropriations of the
15 House of Representatives and the Senate in compliance
16 with provisions set forth in section 605 of this Act: *Pro-*
17 *vided further*, That of the total amount appropriated, not
18 to exceed \$36,570,000 shall be available for the renovation
19 and construction of United States Marshals Service pris-
20 oner-holding facilities.

21 FEDERAL PRISON INDUSTRIES, INCORPORATED

22 The Federal Prison Industries, Incorporated, is here-
23 by authorized to make such expenditures, within the limits
24 of funds and borrowing authority available, and in accord
25 with the law, and to make such contracts and commit-
26 ments, without regard to fiscal year limitations as pro-

1 vided by section 9104 of title 31, United States Code, as
 2 may be necessary in carrying out the program set forth
 3 in the budget for the current fiscal year for such corpora-
 4 tion, including purchase of (not to exceed five for replace-
 5 ment only), and hire of passenger motor vehicles.

6 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
 7 PRISON INDUSTRIES, INCORPORATED

8 Not to exceed \$3,042,000 of the funds of the corpora-
 9 tion shall be available for its administrative expenses, and
 10 for services as authorized by 5 U.S.C. 3109, to be com-
 11 puted on an accrual basis to be determined in accordance
 12 with the corporation's current prescribed accounting sys-
 13 tem, and such amounts shall be exclusive of depreciation,
 14 payment of claims, and expenditures which the said ac-
 15 counting system requires to be capitalized or charged to
 16 cost of commodities acquired or produced, including sell-
 17 ing and shipping expenses, and expenses in connection
 18 with acquisition, construction, operation, maintenance, im-
 19 provement, protection, or disposition of facilities and other
 20 property belonging to the corporation or in which it has
 21 an interest.

22 OFFICE OF JUSTICE PROGRAMS

23 JUSTICE ASSISTANCE

24 For grants, contracts, cooperative agreements, and
 25 other assistance authorized by title I of the Omnibus
 26 Crime Control and Safe Streets Act of 1968, as amended,

1 and the Missing Children’s Assistance Act, as amended,
2 including salaries and expenses in connection therewith,
3 and with the Victims of Crime Act of 1984, as amended,
4 \$101,429,000, to remain available until expended, as au-
5 thorized by section 1001 of title I of the Omnibus Crime
6 Control and Safe Streets Act, as amended by Public Law
7 102–534 (106 Stat. 3524).

8 For an additional amount, \$17,000,000, to remain
9 available until expended; of which \$5,000,000 shall be for
10 Local Firefighter and Emergency Services Training
11 Grants as authorized by section 819 of the Antiterrorism
12 and Effective Death Penalty Act of 1996 (“the
13 Antiterrorism Act”); of which \$10,000,000 shall be for de-
14 velopment of counterterrorism technologies to help State
15 and local law enforcement combat terrorism, as authorized
16 by section 821 of the Antiterrorism Act; of which
17 \$2,000,000 shall be for specialized multi-agency response
18 training: *Provided*, That the entire amount is designated
19 by Congress as an emergency requirement pursuant to
20 section 251(b)(2)(D)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985, as amended: *Pro-*
22 *vided further*, That the entire amount not previously des-
23 ignated by the President as an emergency requirement
24 shall be available only to the extent an official budget re-
25 quest, for a specific dollar amount that includes designa-

1 tion of the entire amount of the request as an emergency
 2 requirement, as defined in the Balanced Budget and
 3 Emergency Deficit Control Act of 1985, as amended, is
 4 transmitted to Congress.

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 Om-
 8 nibus Crime Control and Safe Streets Act of 1968, as
 9 amended, for State and Local Narcotics Control and Jus-
 10 tice Assistance Improvements, notwithstanding the provi-
 11 sions of section 511 of said Act, \$329,000,000, to remain
 12 available until expended, as authorized by section 1001 of
 13 title I of said Act, as amended by Public Law 102-534
 14 (106 Stat. 3524), of which \$60,000,000 shall be available
 15 to carry out the provisions of chapter A of subpart 2 of
 16 part E of title I of said Act, for discretionary grants under
 17 the Edward Byrne Memorial State and Local Law En-
 18 forcement Assistance Programs.

19 VIOLENT CRIME REDUCTION PROGRAMS, STATE AND
 20 LOCAL LAW ENFORCEMENT ASSISTANCE

21 For assistance (including amounts for administrative
 22 costs for management and administration, which amounts
 23 shall be transferred to and merged with the “Justice As-
 24 sistance” account) authorized by the Violent Crime Con-
 25 trol and Law Enforcement Act of 1994 (Public Law 103-

1 322), as amended (“the 1994 Act”); the Omnibus Crime
2 Control and Safe Streets Act of 1968, as amended (“the
3 1968 Act”); and the Victims of Child Abuse Act of 1990,
4 as amended (“the 1990 Act”); \$2,056,180,000, to remain
5 available until expended, which shall be derived from the
6 Violent Crime Reduction Trust Fund; of which
7 \$523,000,000 shall be for Local Law Enforcement Block
8 Grants, pursuant to H.R. 728 as passed by the House of
9 Representatives on February 14, 1995, except that for
10 purposes of this Act, the Commonwealth of Puerto Rico
11 shall be considered a “unit of local government” as well
12 as a “State”, for the purposes set forth in paragraphs (A),
13 (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728
14 and for establishing crime prevention programs involving
15 cooperation between community residents and law enforce-
16 ment personnel in order to control, detect, or investigate
17 crime or the prosecution of criminals: *Provided*, That no
18 funds provided under this heading may be used as match-
19 ing funds for any other Federal grant program: *Provided*
20 *further*, That \$20,000,000 of this amount shall be for
21 Boys and Girls Clubs in public housing facilities and other
22 areas in cooperation with State and local law enforcement:
23 *Provided further*, That funds may also be used to defray
24 the costs of indemnification insurance for law enforcement
25 officers; of which \$50,000,000 shall be for grants to up-

1 grade criminal records, as authorized by section 106(b)
2 of the Brady Handgun Violence Prevention Act of 1993,
3 as amended, and section 4(b) of the National Child Pro-
4 tection Act of 1993; of which \$231,000,000 shall be avail-
5 able as authorized by section 1001 of title I of the 1968
6 Act, to carry out the provisions of subpart 1, part E of
7 title I of the 1968 Act, notwithstanding section 511 of
8 said Act, for the Edward Byrne Memorial State and Local
9 Law Enforcement Assistance Programs; of which
10 \$330,000,000 shall be for the State Criminal Alien Assist-
11 ance Program, as authorized by section 242(j) of the Im-
12 migration and Nationality Act, as amended; of which
13 \$670,000,000 shall be for Violent Offender Incarceration
14 and Truth in Sentencing Incentive Grants pursuant to
15 subtitle A of title II of the 1994 Act, of which
16 \$170,000,000 shall be available for payments to States for
17 incarceration of criminal aliens, and of which \$12,500,000
18 shall be available for the Cooperative Agreement Program:
19 *Provided further*, That funds made available for Violent
20 Offender Incarceration and Truth in Sentencing Incentive
21 Grants to the State of California may, at the discretion
22 of the recipient, be used for payments for the incarceration
23 of criminal aliens; of which \$6,000,000 shall be for the
24 Court Appointed Special Advocate Program, as authorized
25 by section 218 of the 1990 Act; of which \$1,000,000 shall

1 be for Child Abuse Training Programs for Judicial Per-
2 sonnel and Practitioners, as authorized by section 224 of
3 the 1990 Act; of which \$145,000,000 shall be for Grants
4 to Combat Violence Against Women to States, units of
5 local government and Indian tribal governments, as au-
6 thorized by section 1001(a)(18) of the 1968 Act; of which
7 \$33,000,000 shall be for Grants to Encourage Arrest Poli-
8 cies to States, units of local government, and Indian tribal
9 governments, as authorized by section 1001(a)(19) of the
10 1968 Act; of which \$8,000,000 shall be for Rural Domes-
11 tic Violence and Child Abuse Enforcement Assistance
12 Grants, as authorized by section 40295 of the 1994 Act;
13 of which \$1,000,000 shall be for training programs to as-
14 sist probation and parole officers who work with released
15 sex offenders, as authorized by section 40152(c) of the
16 1994 Act; of which \$550,000 shall be for grants for tele-
17 vised testimony, as authorized by section 1001(a)(7) of the
18 1968 Act; of which \$1,750,000 shall be for national stalk-
19 er and domestic violence reduction, as authorized by sec-
20 tion 40603 of the 1994 Act; of which \$30,000,000 shall
21 be for grants for residential substance abuse treatment for
22 State prisoners as authorized by section 1001(a)(17) of
23 the 1968 Act; of which \$3,000,000 shall be for grants to
24 States and units of local government for projects to im-
25 prove DNA analysis, as authorized by section 1001(a)(22)

1 of the 1968 Act; of which \$900,000 shall be for the Miss-
2 ing Alzheimer's Disease Patient Alert Program, as author-
3 ized by section 240001(c) of the 1994 Act; of which
4 \$750,000 shall be for Motor Vehicle Theft Prevention Pro-
5 grams, as authorized by section 220002(h) of the 1994
6 Act; of which \$200,000 shall be for a National Baseline
7 Study on Campus Sexual Assault, as authorized by section
8 40506(e) of the 1994 Act; of which \$18,000,000 shall be
9 for Drug Courts, as authorized by title V of the 1994 Act;
10 of which \$1,000,000 shall be for Law Enforcement Family
11 Support Programs, as authorized by section 1001(a)(21)
12 of the 1968 Act; and of which \$2,000,000 shall be for
13 public awareness programs addressing marketing scams
14 aimed at senior citizens, as authorized by section
15 250005(3) of the 1994 Act: *Provided further*, That funds
16 made available in fiscal year 1997 under subpart 1 of part
17 E of title I of the Omnibus Crime Control and Safe Streets
18 Act of 1968, as amended, may be obligated for programs
19 to assist States in the litigation processing of death pen-
20 alty Federal habeas corpus petitions and for drug testing
21 initiatives: *Provided further*, That any 1996 balances for
22 these programs shall be transferred to and merged with
23 this appropriation: *Provided further*, That if a unit of local
24 government uses any of the funds made available under
25 this title to increase the number of law enforcement offi-

1 cers, the unit of local government will achieve a net gain
2 in the number of law enforcement officers who perform
3 nonadministrative public safety service.

4 WEED AND SEED PROGRAM FUND

5 For necessary expenses, including salaries and relat-
6 ed expenses of the Executive Office for Weed and Seed,
7 to implement “Weed and Seed” program activities,
8 \$28,500,000, which shall be derived from discretionary
9 grants provided under the Edward Byrne Memorial State
10 and Local Law Enforcement Assistance Programs, to re-
11 main available until expended for intergovernmental
12 agreements, including grants, cooperative agreements, and
13 contracts, with State and local law enforcement agencies
14 engaged in the investigation and prosecution of violent
15 crimes and drug offenses in “Weed and Seed” designated
16 communities, and for either reimbursements or transfers
17 to appropriation accounts of the Department of Justice
18 and other Federal agencies which shall be specified by the
19 Attorney General to execute the “Weed and Seed” pro-
20 gram strategy: *Provided*, That funds designated by Con-
21 gress through language for other Department of Justice
22 appropriation accounts for “Weed and Seed” program ac-
23 tivities shall be managed and executed by the Attorney
24 General through the Executive Office for Weed and Seed:
25 *Provided further*, That the Attorney General may direct
26 the use of other Department of Justice funds and person-

1 nel in support of “Weed and Seed” program activities only
 2 after the Attorney General notifies the Committees on Ap-
 3 propriations of the House of Representatives and the Sen-
 4 ate in accordance with section 605 of this Act.

5 COMMUNITY ORIENTED POLICING SERVICES

6 VIOLENT CRIME REDUCTION PROGRAMS

7 For activities authorized by the Violent Crime Con-
 8 trol and Law Enforcement Act of 1994, Public Law 103–
 9 322 (“the 1994 Act”) (including administrative costs),
 10 \$1,400,000,000, to remain available until expended, which
 11 shall be derived from the Violent Crime Reduction Trust
 12 Fund, for Public Safety and Community Policing Grants
 13 pursuant to title I of the 1994 Act: *Provided*, That of this
 14 amount, \$20,000,000 shall be available for programs of
 15 Police Corps education, training and service as set forth
 16 in sections 200101–200113 of the 1994 Act: *Provided fur-*
 17 *ther*, That not to exceed 186 permanent positions and 174
 18 full-time equivalent workyears and \$19,800,000 shall be
 19 expended for program management and administration.

20 JUVENILE JUSTICE PROGRAMS

21 For grants, contracts, cooperative agreements, and
 22 other assistance authorized by the Juvenile Justice and
 23 Delinquency Prevention Act of 1974, as amended, includ-
 24 ing salaries and expenses in connection therewith to be
 25 transferred to and merged with the appropriations for
 26 Justice Assistance, \$170,000,000, to remain available

1 until expended, as authorized by section 299 of part I of
2 title II and section 506 of title V of the Act, as amended
3 by Public Law 102–586, of which (1) notwithstanding any
4 other provision of law, \$5,000,000 shall be available for
5 expenses authorized by part A of title II of the Act,
6 \$86,500,000 shall be available for expenses authorized by
7 part B of title II of the Act, and \$29,500,000 shall be
8 available for expenses authorized by part C of title II of
9 the Act: *Provided*, That \$16,500,000 of the amounts pro-
10 vided for part B title II of the Juvenile Justice and Delin-
11 quency Prevention Act of 1974, as amended, is for the
12 purpose of providing additional formula grants under part
13 B, for innovative local law enforcement and community
14 policing programs, to States that provide assurances to
15 the Administrator that the State has in effect (or will have
16 in effect no later than 1 year after date of application)
17 policies and programs, that ensure that juveniles are sub-
18 ject to accountability-based sanctions for every act for
19 which they are adjudicated delinquent (2) \$12,000,000
20 shall be available for expenses authorized by sections 281
21 and 282 of part D of title II of the Act for prevention
22 and treatment programs relating to juvenile gangs; (3)
23 \$10,000,000 shall be available for expenses authorized by
24 section 285 of part E of title II of the Act; (4) \$7,000,000
25 shall be available for expenses authorized by part G of title

1 II of the Act for juvenile mentoring programs; and (5)
2 \$20,000,000 shall be available for expenses authorized by
3 title V of the Act for incentive grants for local delinquency
4 prevention programs: *Provided further*, That upon the en-
5 actment of reauthorization legislation for Juvenile Justice
6 Programs under the Juvenile Justice and Delinquency
7 Prevention Act of 1974, as amended, funding provided in
8 this Act shall from that date be subject to the provisions
9 of that legislation and any provisions in this Act that are
10 inconsistent with that legislation shall no longer have ef-
11 fect.

12 In addition, for grants, contracts, cooperative agree-
13 ments, and other assistance authorized by the Victims of
14 Child Abuse Act of 1990, as amended, \$4,500,000, to re-
15 main available until expended, as authorized by section
16 214B of the Act.

17 PUBLIC SAFETY OFFICERS BENEFITS

18 For payments authorized by part L of title I of the
19 Omnibus Crime Control and Safe Streets Act of 1968 (42
20 U.S.C. 3796), as amended, such sums as are necessary,
21 to remain available until expended, as authorized by sec-
22 tion 6093 of Public Law 100–690 (102 Stat. 4339–4340),
23 and, in addition, \$2,200,000, to remain available until ex-
24 pended, for payments as authorized by section 1201(b) of
25 said Act.

1 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

2 SEC. 101. In addition to amounts otherwise made
3 available in this title for official reception and representa-
4 tion expenses, a total of not to exceed \$45,000 from funds
5 appropriated to the Department of Justice in this title
6 shall be available to the Attorney General for official re-
7 ception and representation expenses in accordance with
8 distributions, procedures, and regulations established by
9 the Attorney General.

10 SEC. 102. Authorities contained in the Department
11 of Justice Appropriation Authorization Act, Fiscal Year
12 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as
13 amended, shall remain in effect until the termination date
14 of this Act or until the effective date of a Department
15 of Justice Appropriation Authorization Act, whichever is
16 earlier.

17 SEC. 103. None of the funds appropriated by this
18 title shall be available to pay for an abortion, except where
19 the life of the mother would be endangered if the fetus
20 were carried to term, or in the case of rape: *Provided*,
21 That should this prohibition be declared unconstitutional
22 by a court of competent jurisdiction, this section shall be
23 null and void.

1 SEC. 104. None of the funds appropriated under this
2 title shall be used to require any person to perform, or
3 facilitate in any way the performance of, any abortion.

4 SEC. 105. Nothing in the preceding section shall re-
5 move the obligation of the Director of the Bureau of Pris-
6 ons to provide escort services necessary for a female in-
7 mate to receive such service outside the Federal facility:
8 *Provided*, That nothing in this section in any way dimin-
9 ishes the effect of section 104 intended to address the phil-
10 osophical beliefs of individual employees of the Bureau of
11 Prisons.

12 SEC. 106. Notwithstanding any other provision of
13 law, not to exceed \$10,000,000 of the funds made avail-
14 able in this Act may be used to establish and publicize
15 a program under which publicly-advertised, extraordinary
16 rewards may be paid, which shall not be subject to spend-
17 ing limitations contained in sections 3059 and 3072 of
18 title 18, United States Code: *Provided*, That any reward
19 of \$100,000 or more, up to a maximum of \$2,000,000,
20 may not be made without the personal approval of the
21 President or the Attorney General and such approval may
22 not be delegated.

23 SEC. 107. Not to exceed 5 percent of any appropria-
24 tion made available for the current fiscal year for the De-
25 partment of Justice in this Act, including those derived

1 from the Violent Crime Reduction Trust Fund, may be
2 transferred between such appropriations, but no such ap-
3 propriation, except as otherwise specifically provided, shall
4 be increased by more than 10 percent by any such trans-
5 fers: *Provided*, That any transfer pursuant to this section
6 shall be treated as a reprogramming of funds under sec-
7 tion 605 of this Act and shall not be available for obliga-
8 tion except in compliance with the procedures set forth
9 in that section.

10 SEC. 108. Section 524(c)(8)(E) of title 28, United
11 States Code, is amended by striking the year in the date
12 therein contained and replacing the same with “1996”.

13 SEC. 109. (a) Section 1930(a) of title 28, United
14 States Code, is amended in paragraph (3), by inserting
15 “\$” before “800”, and in paragraph (6), by striking every-
16 thing after “total less than \$15,000;” and inserting in lieu
17 thereof: “\$500 for each quarter in which disbursements
18 total \$15,000 or more but less than \$75,000; \$750 for
19 each quarter in which disbursements total \$75,000 or
20 more but less than \$150,000; \$1,250 for each quarter in
21 which disbursements total \$150,000 or more but less than
22 \$225,000; \$1,500 for each quarter in which disbursements
23 total \$225,000 or more but less than \$300,000; \$3,750
24 for each quarter in which disbursements total \$300,000
25 or more but less than \$1,000,000; \$5,000 for each quarter

1 in which disbursements total \$1,000,000 or more but less
2 than \$2,000,000; \$7,500 for each quarter in which dis-
3 bursements total \$2,000,000 or more but less than
4 \$3,000,000; \$8,000 for each quarter in which disburse-
5 ments total \$3,000,000 or more but less than \$5,000,000;
6 \$10,000 for each quarter in which disbursements total
7 \$5,000,000 or more. The fee shall be payable on the last
8 day of the calendar month following the calendar quarter
9 for which the fee is owed.”.

10 (b) Section 589a of title 28, United States Code, is
11 amended to read as follows:

12 **“§ 589a. United States Trustee System Fund**

13 “(a) There is hereby established in the Treasury of
14 the United States a special fund to be known as the ‘Unit-
15 ed States Trustee System Fund’ (hereinafter in this sec-
16 tion referred to as the ‘Fund’). Monies in the Fund shall
17 be available to the Attorney General without fiscal year
18 limitation in such amounts as may be specified in appro-
19 priations Acts for the following purposes in connection
20 with the operations of United States trustees—

21 “(1) salaries and related employee benefits;

22 “(2) travel and transportation;

23 “(3) rental of space;

24 “(4) communication, utilities, and miscellaneous
25 computer charges;

1 “(5) security investigations and audits;

2 “(6) supplies, books, and other materials for
3 legal research;

4 “(7) furniture and equipment;

5 “(8) miscellaneous services, including those ob-
6 tained by contract; and

7 “(9) printing.

8 “(b) For the purpose of recovering the cost of services
9 of the United States Trustee System, there shall be depos-
10 ited as offsetting collections to the appropriation ‘United
11 States Trustee System Fund’, to remain available until
12 expended, the following—

13 “(1) 23.08 percent of the fees collected under
14 section 1930(a)(1) of this title;

15 “(2) one-half of the fees collected under section
16 1930(a)(3) of this title;

17 “(3) one-half of the fees collected under section
18 1930(a)(4) of this title;

19 “(4) one-half of the fees collected under section
20 1930(a)(5) of this title;

21 “(5) 100 percent of the fees collected under sec-
22 tion 1930(a)(6) of this title;

23 “(6) three-fourths of the fees collected under
24 the last sentence of section 1930(a) of this title;

1 “(7) the compensation of trustees received
2 under section 330(d) of title 11 by the clerks of the
3 bankruptcy courts; and

4 “(8) excess fees collected under section
5 586(e)(2) of this title.

6 “(c) Amounts in the Fund which are not currently
7 needed for the purposes specified in subsection (a) shall
8 be kept on deposit or invested in obligations of, or guaran-
9 teed by, the United States.

10 “(d) The Attorney General shall transmit to the Con-
11 gress, not later than 120 days after the end of each fiscal
12 year, a detailed report on the amounts deposited in the
13 Fund and a description of expenditures made under this
14 section.

15 “(e) There are authorized to be appropriated to the
16 Fund for any fiscal year such sums as may be necessary
17 to supplement amounts deposited under subsection (b) for
18 the purposes specified in subsection (a).”.

19 (c) Notwithstanding any other provision of law or of
20 this Act, the amendments to 28 U.S.C. 589a made by sub-
21 section (b) of this section shall take effect upon enactment
22 of this Act.

23 (d) Section 101(a) of Public Law 104–91, as amend-
24 ed by section 211 of Public Law 104–99, is further
25 amended by inserting “: *Provided further*, That, notwith-

1 standing any other provision of law, the fees under 28
2 U.S.C. 1930(a)(6) shall accrue and be payable from and
3 after January 27, 1996, in all cases (including, without
4 limitation, any cases pending as of that date), regardless
5 of confirmation status of their plans” after “enacted into
6 law”.

7 SEC. 110. Public Law 103–414 (108 Stat. 4279) is
8 amended by inserting at its conclusion a new title IV, as
9 follows:

10 **“TITLE IV—TELECOMMUNICATIONS**
11 **CARRIER COMPLIANCE PAYMENTS**

12 **“SEC. 401. DEPARTMENT OF JUSTICE TELECOMMUNI-**
13 **CATIONS CARRIER COMPLIANCE FUND.**

14 “(a) ESTABLISHMENT OF FUND.—There is hereby
15 established in the United States Treasury a fund to be
16 known as the Department of Justice Telecommunications
17 Carrier Compliance Fund (hereafter referred to as “the
18 Fund”), which shall be available without fiscal year limita-
19 tion to the Attorney General for making payments to tele-
20 communications carriers, equipment manufacturers, and
21 providers of telecommunications support services pursuant
22 to section 109 of this Act.

23 “(b) DEPOSITS TO THE FUND.—Notwithstanding
24 any other provision of law, any agency of the United
25 States with law enforcement or intelligence responsibilities

1 may deposit as offsetting collections to the Fund any un-
2 obligated balances that are available until expended, upon
3 compliance with any Congressional notification require-
4 ments for reprogrammings of funds applicable to the ap-
5 propriation from which the deposit is to be made.

6 “(c) TERMINATION.—

7 “(1) The Attorney General may terminate the
8 Fund at such time as the Attorney General deter-
9 mines that the Fund is no longer necessary.

10 “(2) Any balance in the Fund at the time of its
11 termination shall be deposited in the General Fund
12 of the Treasury.

13 “(3) A decision of the Attorney General to ter-
14 minate the Fund shall not be subject to judicial re-
15 view.

16 “(d) AVAILABILITY OF FUNDS FOR EXPENDITURE.—

17 Funds shall not be available for obligation unless an im-
18 plementation plan as set forth in subsection (e) is submit-
19 ted to each member of the Committees on the Judiciary
20 and Appropriations of both the House of Representatives
21 and the Senate and the Congress does not, by law block
22 or prevent the obligation of such funds. Such funds shall
23 be treated as a reprogramming of funds under section 605
24 of the Department of Commerce, Justice, and State, the
25 Judiciary, and Related Agencies Appropriations Act,

1 1997, and shall not be available for obligation or expendi-
2 ture except in compliance with the procedures set forth
3 in that section and this section.

4 “(e) IMPLEMENTATION PLAN.—The implementation
5 plan shall include:

6 “(1) the law enforcement assistance capability
7 requirements and an explanation of law enforce-
8 ment’s recommended interface:

9 “(2) the proposed actual and maximum capac-
10 ity requirements regarding the number of simulta-
11 neous law enforcement communication intercepts,
12 pen registers, and trap and traces devices that au-
13 thorized agencies may seek to conduct as well as a
14 detailed county by county listing for wireline services
15 and a detailed market service area listing for wire-
16 less of the relevant historical baseline electronic sur-
17 veillance activity on which the proposed capacity re-
18 quirements are based;

19 “(3) a detailed county by county listing of pro-
20 posed actual and maximum capacity requirements
21 for wireline services and a detailed market service
22 area listing of proposed actual and maximum capac-
23 ity requirements for wireless mobile services;

24 “(4) a prioritized list of embedded based tech-
25 nologies (those deployed prior to January 1, 1995)

1 to be modified by carriers, if necessary, in accord-
2 ance with law enforcement’s investigative needs and
3 the impact on electronic surveillance capabilities;

4 “(5) a projected reimbursement plan that esti-
5 mates for the coming fiscal year and for each fiscal
6 year thereafter, based upon the prioritization of law
7 enforcement needs as outlined in (4), those embed-
8 ded based technologies for modification by carriers,
9 if necessary.”

10 SEC. 111. It is the sense of the Congress that the
11 Drug Enforcement Administration, together with other
12 appropriate Federal agencies, should take such actions as
13 may be necessary to end the illegal importation into the
14 United States of Rohypnol (flunitrazepam), a drug fre-
15 quently distributed with the intent to facilitate sexual as-
16 sault and rape.

17 SEC. 112. Section 1402 of the Victims of Crime Act
18 of 1984, as amended (42 U.S.C. 10601), is amended at
19 subsection (e) by deleting “2” and inserting “3”, and at
20 subsection (d) by adding a new paragraph (5) as follows:

21 “(5) The Director may set aside up to
22 \$500,000 of the reserve fund described in paragraph
23 (4) to make supplemental grants to United States
24 Attorneys Offices to provide necessary assistance to
25 victims of the bombing of the Alfred P. Murrah Fed-

1 eral Building in Oklahoma City, to facilitate obser-
2 vation of and/or participation by such victims in trial
3 proceedings arising therefrom, including, without
4 limitation, provision of lodging and travel assistance,
5 and to pay such other, related expenses determined
6 to be necessary by the Director.”.

7 **SEC. 113. TAGGANTS.**

8 (a) Public Law 104–132 is amended by deleting sec-
9 tion 732(a)(2) regarding exclusions and inserting after
10 section 732(e)(2):

11 “(3) For purposes of this subsection, explosive
12 material does not include smokeless or black powder
13 manufactured for uses set forth in 18 U.S.C. 845(a)
14 (4) and (5).”.

15 (b) Public Law 104–132 is amended by deleting sec-
16 tion 732(d) regarding hearings.

17 (c) Public Law 104–132 section 732(e)(2) is amend-
18 ed by deleting “270” and inserting “90”.

19 **SEC. 114. MULTIPPOINT WIRETAPS.**

20 (a) Section 2518(11)(b)(ii) of title 18, United States
21 Code is amended by deleting “of a purpose, on the part
22 of that person, to thwart interception by changing facili-
23 ties” and inserting “that the person had the intent to
24 thwart interception or that the person’s actions and con-

1 duct would have the effect of thwarting interception from
2 a specified facility”.

3 (b) Section 2518(11)(b)(iii) is amended to read: “(iii)
4 the judge finds that such showing has been adequately
5 made.”.

6 (c) The amendments made by subsection (a) and (b)
7 of this amendment shall be effective 1 day after the enact-
8 ment of this Act.

9 **SEC. 115. AUTHORIZATION FOR INTERCEPTIONS OF COM-**
10 **MUNICATIONS IN CERTAIN TERRORISM RE-**
11 **LATED OFFENSES.**

12 Section 2516(1) of title 18, United States Code, is
13 amended—

14 (1) in paragraph (c)—

15 (A) by inserting before “or section 1992
16 (relating to wrecking trains)” the following:
17 “section 2332 (relating to terrorist acts
18 abroad), section 2332a (relating to weapons of
19 mass destruction), section 2332b (relating to
20 acts of terrorism transcending national bound-
21 aries), section 2339A (relating to providing ma-
22 terial support to terrorists), section 37 (relating
23 to violence at international airports),”; and

24 (B) by inserting after “section 175 (relat-
25 ing to biological weapons),” the following: “or a

1 felony violation under section 1028 (relating to
2 production of false identification documenta-
3 tion), sections 1541, 1542, 1543, 1544, and
4 1546 (relating to passport and visa offenses),”;
5 (2) by striking “and” at the end of paragraph
6 (n);
7 (3) by redesignating paragraph (o) as para-
8 graph (q); and
9 (4) by inserting after paragraph (n) the follow-
10 ing new subparagraphs:
11 “(o) any violation of section 956 or section 960 of
12 title 18, United States Code (relating to certain actions
13 against foreign nations);
14 “(p) any violation of section 46502 of title 49, United
15 States Code; and”.
16 This title may be cited as the “Department of Justice
17 Appropriations Act, 1997”.

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
6 REPRESENTATIVE

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the United
9 States Trade Representative, including the hire of pas-
10 senger motor vehicles and the employment of experts and
11 consultants as authorized by 5 U.S.C. 3109, \$21,449,000,
12 of which \$2,500,000 shall remain available until expended:
13 *Provided*, That not to exceed \$98,000 shall be available
14 for official reception and representation expenses.

15 INTERNATIONAL TRADE COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the International Trade
18 Commission, including hire of passenger motor vehicles,
19 and services as authorized by 5 U.S.C. 3109, and not to
20 exceed \$2,500 for official reception and representation ex-
21 penses, \$40,850,000, to remain available until expended.

1 DEPARTMENT OF COMMERCE
2 INTERNATIONAL TRADE ADMINISTRATION
3 OPERATIONS AND ADMINISTRATION

4 For necessary expenses for international trade activi-
5 ties of the Department of Commerce provided for by law,
6 and engaging in trade promotional activities abroad, in-
7 cluding expenses of grants and cooperative agreements for
8 the purpose of promoting exports of United States firms,
9 without regard to 44 U.S.C. 3702 and 3703; full medical
10 coverage for dependent members of immediate families of
11 employees stationed overseas and employees temporarily
12 posted overseas; travel and transportation of employees of
13 the United States and Foreign Commercial Service be-
14 tween two points abroad, without regard to 49 U.S.C.
15 1517; employment of Americans and aliens by contract for
16 services; rental of space abroad for periods not exceeding
17 ten years, and expenses of alteration, repair, or improve-
18 ment; purchase or construction of temporary demountable
19 exhibition structures for use abroad; payment of tort
20 claims, in the manner authorized in the first paragraph
21 of 28 U.S.C. 2672 when such claims arise in foreign coun-
22 tries; not to exceed \$327,000 for official representation
23 expenses abroad; purchase of passenger motor vehicles for
24 official use abroad, not to exceed \$30,000 per vehicle; ob-
25 tain insurance on official motor vehicles; and rent tie lines

1 and teletype equipment; \$270,000,000, to remain avail-
2 able until expended: *Provided*, That the provisions of the
3 first sentence of section 105(f) and all of section 108(c)
4 of the Mutual Educational and Cultural Exchange Act of
5 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-
6 rying out these activities without regard to section 5412
7 of the Omnibus Trade and Competitiveness Act of 1988
8 (15 U.S.C. 4912); and that for the purpose of this Act,
9 contributions under the provisions of the Mutual Edu-
10 cational and Cultural Exchange Act shall include payment
11 for assessments for services provided as part of these ac-
12 tivities.

13 EXPORT ADMINISTRATION

14 OPERATIONS AND ADMINISTRATION

15 For necessary expenses for export administration and
16 national security activities of the Department of Com-
17 merce, including costs associated with the performance of
18 export administration field activities both domestically and
19 abroad; full medical coverage for dependent members of
20 immediate families of employees stationed overseas; em-
21 ployment of Americans and aliens by contract for services
22 abroad; rental of space abroad for periods not exceeding
23 ten years, and expenses of alteration, repair, or improve-
24 ment; payment of tort claims, in the manner authorized
25 in the first paragraph of 28 U.S.C. 2672 when such claims

1 arise in foreign countries; not to exceed \$15,000 for offi-
2 cial representation expenses abroad; awards of compensa-
3 tion to informers under the Export Administration Act of
4 1979, and as authorized by 22 U.S.C. 401(b); purchase
5 of passenger motor vehicles for official use and motor vehi-
6 cles for law enforcement use with special requirement vehi-
7 cles eligible for purchase without regard to any price limi-
8 tation otherwise established by law; \$36,000,000, to re-
9 main available until expended: *Provided*, That the provi-
10 sions of the first sentence of section 105(f) and all of sec-
11 tion 108(c) of the Mutual Educational and Cultural Ex-
12 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall
13 apply in carrying out these activities: *Provided further*,
14 That payments and contributions collected and accepted
15 for materials or services provided as part of such activities
16 may be retained for use in covering the cost of such activi-
17 ties, and for providing information to the public with re-
18 spect to the export administration and national security
19 activities of the Department of Commerce and other ex-
20 port control programs of the United States and other gov-
21 ernments.

22 For an additional amount for nonproliferation efforts
23 to prevent illegal exports of chemical weapon precursors,
24 biological agents, nuclear weapons and missile develop-
25 ment equipment, \$3,900,000, to remain available until ex-

1 pended: *Provided*, That the entire amount is designated
2 by Congress as an emergency requirement pursuant to
3 section 251(b)(2)(D)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985, as amended.

5 ECONOMIC DEVELOPMENT ADMINISTRATION

6 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

7 For grants for economic development assistance as
8 provided by the Public Works and Economic Development
9 Act of 1965, as amended, Public Law 91–304, and such
10 laws that were in effect immediately before September 30,
11 1982, and for trade adjustment assistance, \$328,500,000:
12 *Provided*, That none of the funds appropriated or other-
13 wise made available under this heading may be used di-
14 rectly or indirectly for attorneys’ or consultants’ fees in
15 connection with securing grants and contracts made by
16 the Economic Development Administration: *Provided fur-*
17 *ther*, That, notwithstanding any other provision of law, the
18 Secretary of Commerce may provide financial assistance
19 for projects to be located on military installations closed
20 or scheduled for closure or realignment to grantees eligible
21 for assistance under the Public Works and Economic De-
22 velopment Act of 1965, as amended, without it being re-
23 quired that the grantee have title or ability to obtain a
24 lease for the property, for the useful life of the project,
25 when in the opinion of the Secretary of Commerce, such

1 financial assistance is necessary for the economic develop-
 2 ment of the area: *Provided further*, That the Secretary of
 3 Commerce may, as the Secretary considers appropriate,
 4 consult with the Secretary of Defense regarding the title
 5 to land on military installations closed or scheduled for
 6 closure or realignment.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
 9 nomic development assistance programs as provided for by
 10 law, \$20,036,000: *Provided*, That these funds may be used
 11 to monitor projects approved pursuant to title I of the
 12 Public Works Employment Act of 1976, as amended, title
 13 II of the Trade Act of 1974, as amended, and the Commu-
 14 nity Emergency Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
 18 merce in fostering, promoting, and developing minority
 19 business enterprise, including expenses of grants, con-
 20 tracts, and other agreements with public or private organi-
 21 zations, \$28,000,000: *Provided*, That of the total amount
 22 provided, \$2,000,000 shall be available for obligation and
 23 expenditure only for projects jointly developed, imple-
 24 mented and administered with the Small Business Admin-
 25 istration.

1 ECONOMIC AND INFORMATION INFRASTRUCTURE

2 ECONOMIC AND STATISTICAL ANALYSIS

3 SALARIES AND EXPENSES

4 For necessary expenses, as authorized by law, of eco-
5 nomic and statistical analysis programs of the Department
6 of Commerce, \$45,900,000, to remain available until Sep-
7 tember 30, 1998.

8 ECONOMICS AND STATISTICS ADMINISTRATION

9 REVOLVING FUND

10 The Secretary of Commerce is authorized to dissemi-
11 nate economic and statistical data products as authorized
12 by sections 1, 2, and 4 of Public Law 91-412 (15 U.S.C.
13 1525-1527) and, notwithstanding section 5412 of the
14 Omnibus Trade and Competitiveness Act of 1988 (15
15 U.S.C. 4912), charge fees necessary to recover the full
16 costs incurred in their production. Notwithstanding 31
17 U.S.C. 3302, receipts received from these data dissemina-
18 tion activities shall be credited to this account, to be avail-
19 able for carrying out these purposes without further ap-
20 propriation.

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
25 by law, \$135,000,000.

1 PERIODIC CENSUSES AND PROGRAMS

2 For expenses necessary to collect and publish statis-
3 ties for periodic censuses and programs provided for by
4 law, \$210,500,000, 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
9 the National Telecommunications and Information Ad-
10 ministration, \$15,000,000 to remain available until ex-
11 pended: *Provided*, That notwithstanding 31 U.S.C.
12 1535(d), the Secretary of Commerce shall charge Federal
13 agencies for costs incurred in spectrum management,
14 analysis, and operations, and related services and such
15 fees shall be retained and used as offsetting collections for
16 costs of such spectrum services, to remain available until
17 expended: *Provided further*, That hereafter, notwithstand-
18 ing any other provision of law, NTIA shall not authorize
19 spectrum use or provide any spectrum functions pursuant
20 to the NTIA Organization Act, 47 U.S.C. 902–903, to any
21 Federal entity without reimbursement as required by
22 NTIA for such spectrum management costs, and Federal
23 entities withholding payment of such cost shall not use
24 spectrum: *Provided further*, That the Secretary of Com-
25 merce is authorized to retain and use as offsetting collec-

1 tions all funds transferred, or previously transferred, from
2 other Government agencies for all costs incurred in tele-
3 communications research, engineering, and related activi-
4 ties by the Institute for Telecommunication Sciences of
5 the NTIA, in furtherance of its assigned functions under
6 this paragraph, and such funds received from other Gov-
7 ernment agencies shall remain available until expended.

8 PUBLIC BROADCASTING FACILITIES, PLANNING AND
9 CONSTRUCTION

10 For grants authorized by section 392 of the Commu-
11 nications Act of 1934, as amended, \$15,250,000, to re-
12 main available until expended as authorized by section 391
13 of the Act, as amended: *Provided*, That not to exceed
14 \$1,500,000 shall be available for program administration
15 as authorized by section 391 of the Act: *Provided further*,
16 That notwithstanding the provisions of section 391 of the
17 Act, the prior year unobligated balances may be made
18 available for grants for projects for which applications
19 have been submitted and approved during any fiscal year.

20 INFORMATION INFRASTRUCTURE GRANTS

21 For grants authorized by section 392 of the Commu-
22 nications Act of 1934, as amended, \$21,490,000, to re-
23 main available until expended as authorized by section 391
24 of the Act, as amended: *Provided*, That not to exceed
25 \$3,000,000 shall be available for program administration
26 and other support activities as authorized by section 391:

1 *Provided further*, That of the funds appropriated herein,
2 not to exceed 5 percent may be available for telecommuni-
3 cations research activities for projects related directly to
4 the development of a national information infrastructure:
5 *Provided further*, That notwithstanding the requirements
6 of section 392(a) and 392(c) of the Act, these funds may
7 be used for the planning and construction of telecommuni-
8 cations networks for the provision of educational, cultural,
9 health care, public information, public safety, or other so-
10 cial services.

11 PATENT AND TRADEMARK OFFICE

12 SALARIES AND EXPENSES

13 For necessary expenses of the Patent and Trademark
14 Office provided for by law, including defense of suits insti-
15 tuted against the Commissioner of Patents and Trade-
16 marks, \$61,252,000, to remain available until expended:
17 *Provided*, That the funds made available under this head-
18 ing are to be derived from deposits in the Patent and
19 Trademark Office Fee Surcharge Fund as authorized by
20 law: *Provided further*, That the amounts made available
21 under the Fund shall not exceed amounts deposited; and
22 such fees as shall be collected pursuant to 15 U.S.C. 1113
23 and 35 U.S.C. 41 and 376, shall remain available until
24 expended.

1 SCIENCE AND TECHNOLOGY
2 TECHNOLOGY ADMINISTRATION
3 UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF
4 TECHNOLOGY POLICY

5 For necessary expenses for the Under Secretary for
6 Technology/Office of Technology Policy, \$7,500,000: *Pro-*
7 *vided*, That \$1,250,000 of the total amount provided
8 under this heading shall be available to support the United
9 States-Israel Science and Technology Commission.

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
11 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

12 For necessary expenses of the National Institute of
13 Standards and Technology, \$268,000,000, to remain
14 available until expended, of which not to exceed
15 \$1,625,000 may be transferred to the “Working Capital
16 Fund”.

17 INDUSTRIAL TECHNOLOGY SERVICES

18 For necessary expenses of the Manufacturing Exten-
19 sion Partnership of the National Institute of Standards
20 and Technology, \$95,000,000, to remain available until
21 expended, of which not to exceed \$300,000 may be trans-
22 ferred to the “Working Capital Fund”: *Provided*, That
23 notwithstanding the time limitations imposed by 15
24 U.S.C. 278k(c) (1) and (5) on the duration of Federal
25 financial assistance that may be awarded by the Sec-
26 retary of Commerce to Regional Centers for the transfer

1 of Manufacturing Technology (“Centers”), such Federal
 2 financial assistance for a Center may continue beyond six
 3 years and may be renewed for additional periods, not to
 4 exceed one year each, at a rate not to exceed one-third
 5 of the Center’s total annual costs, subject before any
 6 such renewal to a positive evaluation of the Center and
 7 to a finding by the Secretary of Commerce that continu-
 8 ation of Federal funding to the Center is in the best in-
 9 terest of the Regional Centers for the transfer of Manu-
 10 facturing Technology Program.

11 In addition, for necessary expenses of the Advanced
 12 Technology Program of the National Institute of Stand-
 13 ards and Technology, \$110,500,000, to remain available
 14 until expended, of which not to exceed \$500,000 may be
 15 transferred to the “Working Capital Fund”: *Provided,*
 16 That funds made available under this heading may only
 17 be used for the purposes of providing continuation grants.

18 NATIONAL OCEANIC AND ATMOSPHERIC
 19 ADMINISTRATION
 20 OPERATIONS, RESEARCH, AND FACILITIES
 21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of activities authorized by
 23 law for the National Oceanic and Atmospheric Adminis-
 24 tration, including acquisition, maintenance, operation,
 25 and hire of aircraft; not to exceed 358 commissioned offi-
 26 cers on the active list; grants, contracts, or other pay-

1 ments to nonprofit organizations for the purposes of con-
2 ducting activities pursuant to cooperative agreements;
3 and alteration, modernization, and relocation of facilities
4 as authorized by 33 U.S.C. 883i; \$1,848,067,000, to re-
5 main available until expended: *Provided*, That notwith-
6 standing 31 U.S.C. 3302 but consistent with other exist-
7 ing law, fees shall be assessed, collected, and credited to
8 this appropriation as offsetting collections to be available
9 until expended, to recover the costs of administering
10 aeronautical charting programs: *Provided further*, That
11 the sum herein appropriated from the general fund shall
12 be reduced as such additional fees are received during fis-
13 cal year 1997, so as to result in a final general fund ap-
14 propriation estimated at not more than \$1,845,067,000:
15 *Provided further*, That any such additional fees received
16 in excess of \$3,000,000 in fiscal year 1997 shall not be
17 available for obligation until October 1, 1997: *Provided*
18 *further*, That fees and donations received by the National
19 Ocean Service for the management of the national marine
20 sanctuaries may be retained and used for the salaries and
21 expenses associated with those activities, notwithstanding
22 31 U.S.C. 3302: *Provided further*, That in addition,
23 \$66,000,000 shall be derived by transfer from the fund
24 entitled “Promote and Develop Fishery Products and Re-
25 search Pertaining to American Fisheries”: *Provided fur-*

1 *ther*, That grants to States pursuant to sections 306 and
2 306A of the Coastal Zone Management Act of 1972, as
3 amended, shall not exceed \$2,000,000.

4 COASTAL ZONE MANAGEMENT FUND

5 Of amounts collected pursuant to section 308 of the
6 Coastal Zone Management Act of 1972 (16 U.S.C.
7 1456a), not to exceed \$7,800,000, for purposes set forth
8 in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of
9 such Act.

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 Atmos-
15 pheric Administration, \$49,750,000, to remain available
16 until expended.

17 FLEET MODERNIZATION, SHIPBUILDING AND

18 CONVERSION

19 For expenses necessary for the repair, acquisition,
20 leasing, or conversion of vessels, including related equip-
21 ment to maintain and modernize the existing fleet and to
22 continue planning the modernization of the fleet, for the
23 National Oceanic and Atmospheric Administration,
24 \$8,000,000, to remain available until expended.

1 FISHING VESSEL AND GEAR DAMAGE COMPENSATION

2 FUND

3 For carrying out the provisions of section 3 of Pub-
4 lic Law 95–376, not to exceed \$200,000, to be derived
5 from receipts collected pursuant to subsections (b) and
6 (f) of section 10 of the Fishermen’s Protective Act of
7 1967 (22 U.S.C. 1980), to remain available until ex-
8 pended.

9 FISHERMEN’S CONTINGENCY FUND

10 For carrying out the provisions of title IV of Public
11 Law 95–372, not to exceed \$1,000,000, to be derived
12 from receipts collected pursuant to that Act, to remain
13 available until expended.

14 FOREIGN FISHING OBSERVER FUND

15 For expenses necessary to carry out the provisions
16 of the Atlantic Tunas Convention Act of 1975, as amend-
17 ed (Public Law 96–339), the Magnuson Fishery Con-
18 servation and Management Act of 1976, as amended
19 (Public Law 100–627), and the American Fisheries Pro-
20 motion Act (Public Law 96–561), to be derived from the
21 fees imposed under the foreign fishery observer program
22 authorized by these Acts, not to exceed \$196,000, to re-
23 main available until expended.

24 FISHING VESSEL OBLIGATIONS GUARANTEES

25 For the cost of guaranteed loans, \$250,000, as au-
26 thorized by the Merchant Marine Act of 1936, as amend-

1 ed: *Provided*, That such costs, including the cost of modi-
 2 fying such loans, shall be as defined in section 502 of the
 3 Congressional Budget Act of 1974: *Provided further*,
 4 That none of the funds made available under this head-
 5 ing may be used to guarantee loans for any new fishing
 6 vessel that will increase the harvesting capacity in any
 7 United States fishery.

8 GENERAL ADMINISTRATION

9 SALARIES AND EXPENSES

10 For expenses necessary for the general administra-
 11 tion of the Department of Commerce provided for by law,
 12 including not to exceed \$3,000 for official entertainment,
 13 \$28,490,000.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
 16 General in carrying out the provisions of the Inspector
 17 General Act of 1978, as amended (5 U.S.C. App. 1-11
 18 as amended by Public Law 100-504), \$20,140,000.

19 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

20 CONSTRUCTION OF RESEARCH FACILITIES

21 (RESCISSION)

22 Of the obligated and unobligated balances available
 23 under this heading, \$16,000,000 are rescinded.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES
4 (RESCISSION)

5 Of the unobligated balances available under this
6 heading, \$20,000,000 are rescinded.

7 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

8 SEC. 201. During the current fiscal year, applicable
9 appropriations and funds made available to the Depart-
10 ment of Commerce by this Act shall be available for the
11 activities specified in the Act of October 26, 1949 (15
12 U.S.C. 1514), to the extent and in the manner prescribed
13 by the Act, and, notwithstanding 31 U.S.C. 3324, may
14 be used for advanced payments not otherwise authorized
15 only upon the certification of officials designated by the
16 Secretary that such payments are in the public interest.

17 SEC. 202. During the current fiscal year, appropria-
18 tions made available to the Department of Commerce by
19 this Act for salaries and expenses shall be available for
20 hire of passenger motor vehicles as authorized by 31
21 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
22 3109; and uniforms or allowances therefor, as authorized
23 by law (5 U.S.C. 5901–5902).

24 SEC. 203. None of the funds made available by this
25 Act may be used to support the hurricane reconnaissance
26 aircraft and activities that are under the control of the

1 United States Air Force or the United States Air Force
2 Reserve.

3 SEC. 204. None of the funds provided in this or any
4 previous Act, or hereinafter made available to the Depart-
5 ment of Commerce, shall be available to reimburse the Un-
6 employment Trust Fund or any other fund or account of
7 the Treasury to pay for any expenses paid before October
8 1, 1992, as authorized by section 8501 of title 5, United
9 States Code, for services performed after April 20, 1990,
10 by individuals appointed to temporary positions within the
11 Bureau of the Census for purposes relating to the 1990
12 decennial census of population.

13 SEC. 205. Not to exceed 5 percent of any appropria-
14 tion made available for the current fiscal year for the De-
15 partment of Commerce in this Act may be transferred be-
16 tween such appropriations, but no such appropriation shall
17 be increased by more than 10 percent by any such trans-
18 fers: *Provided*, That any transfer pursuant to this section
19 shall be treated as a reprogramming of funds under sec-
20 tion 605 of this Act and shall not be available for obliga-
21 tion or expenditure except in compliance with the proce-
22 dures set forth in that section.

23 SEC. 206. (a) Should legislation be enacted to dis-
24 mantle or reorganize the Department of Commerce, the
25 Secretary of Commerce, no later than 90 days thereafter,

1 shall submit to the Committees on Appropriations of the
2 House and the Senate a plan for transferring funds pro-
3 vided in this Act to the appropriate successor organiza-
4 tions: *Provided*, That the plan shall include a proposal for
5 transferring or rescinding funds appropriated herein for
6 agencies or programs terminated under such legislation:
7 *Provided further*, That such plan shall be transmitted in
8 accordance with section 605 of this Act.

9 (b) The Secretary of Commerce or the appropriate
10 head of any successor organization(s) may use any avail-
11 able funds to carry out legislation dismantling or reor-
12 ganizing the Department of Commerce to cover the costs
13 of actions relating to the abolishment, reorganization, or
14 transfer of functions and any related personnel action, in-
15 cluding voluntary separation incentives if authorized by
16 such legislation: *Provided*, That the authority to transfer
17 funds between appropriations accounts that may be nec-
18 essary to carry out this section is provided in addition to
19 authorities included under section 205 of this Act: *Pro-*
20 *vided further*, That use of funds to carry out this section
21 shall be treated as a reprogramming of funds under sec-
22 tion 605 of this Act and shall not be available for obliga-
23 tion or expenditure except in compliance with the proce-
24 dures set forth in that section.

1 SEC. 207. Any costs incurred by a Department or
2 agency funded under this title resulting from personnel
3 actions taken in response to funding reductions included
4 in this title shall be absorbed within the total budgetary
5 resources available to such Department or agency: *Pro-*
6 *vided*, That the authority to transfer funds between appro-
7 priations accounts as may be necessary to carry out this
8 section is provided in addition to authorities included else-
9 where in this Act: *Provided further*, That use of funds to
10 carry out this section shall be treated as a reprogramming
11 of funds under section 605 of this Act and shall not be
12 available for obligation or expenditure except in compli-
13 ance with the procedures set forth in that section.

14 SEC. 208. None of the funds appropriated under this
15 Act or any other Act henceforth may be used to develop
16 new fishery management plans, amendments, or regula-
17 tions which create new individual fishing quota programs
18 (whether such quotas are transferable or not) to imple-
19 ment any such plans, amendments, or regulations ap-
20 proved by a Regional Fishery Management Council or the
21 Secretary after January 4, 1995, until offsetting fees to
22 pay for the cost of administering such plans, amendments,
23 or regulations are expressly authorized under the Magnu-
24 son Fishery Conservation and Management Act (16
25 U.S.C. 1801 et seq.). This restriction shall also apply to

1 any program relating to the Gulf of Mexico commercial
2 red snapper fishery that authorizes the consolidation of
3 licenses, permits, or endorsements that result in different
4 trip limits for vessels in the same class. This restriction
5 shall not apply any way to the North Pacific halibut and
6 sablefish, South Atlantic wreckfish, or the Mid-Atlantic
7 surfclam and ocean (including mahogany) quohog individ-
8 ual quota programs. The term “individual fishing quota”
9 does not include a community development quota.

10 SEC. 209. The Secretary may award contracts for hy-
11 drographic, geodetic, and photogrammetric surveying and
12 mapping services in accordance with title IX of the Fed-
13 eral Property and Administrative Services Act of 1949 (40
14 U.S.C. 541 et seq.).

15 SEC. 210. There is hereby established the Bureau of
16 the Census Working Capital Fund, which shall be avail-
17 able without fiscal year limitation, for expenses and equip-
18 ment necessary for the maintenance and operation of such
19 services and projects as the Director of the Census Bureau
20 determines may be performed more advantageously when
21 centralized: *Provided*, That such central services shall, to
22 the fullest extent practicable, be used to make unnecessary
23 the maintenance of separate like services in the divisions
24 and offices of the Bureau: *Provided further*, That a sepa-
25 rate schedule of expenditures and reimbursements, and a

1 statement of the current assets and liabilities of the Work-
2 ing Capital Fund as of the close of the last completed fis-
3 cal year, shall be prepared each year: *Provided further*,
4 That notwithstanding 31 U.S.C. 3302, the Working Cap-
5 ital Fund may be credited with advances and reimburse-
6 ments from applicable appropriations of the Bureau and
7 from funds of other agencies or entities for services fur-
8 nished pursuant to law: *Provided further*, That any inven-
9 tories, equipment, and other assets pertaining to the serv-
10 ices to be provided by such funds, either on hand or on
11 order, less the related liabilities or unpaid obligations, and
12 any appropriations made hereafter for the purpose of pro-
13 viding capital, shall be used to capitalize the Working Cap-
14 ital Fund: *Provided further*, That the Working Capital
15 Fund shall provide for centralized services at rates which
16 will return in full all expenses of operation, including de-
17 preciation of fund plant and equipment, amortization of
18 automated data processing software and hardware sys-
19 tems, and an amount necessary to maintain a reasonable
20 operating reserve as determined by the Director.

21 This title may be cited as the “Department of Com-
22 merce and Related Agencies Appropriations Act, 1997”.

1 UNITED STATES COURT OF INTERNATIONAL TRADE
2 SALARIES AND EXPENSES

3 For salaries of the chief judge and eight judges, sala-
4 ries of the officers and employees of the court, services
5 as authorized by 5 U.S.C. 3109, and necessary expenses
6 of the court, as authorized by law, \$11,114,000.

7 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
8 JUDICIAL SERVICES
9 SALARIES AND EXPENSES
10 (INCLUDING TRANSFER OF FUNDS)

11 For the salaries of circuit and district judges (includ-
12 ing judges of the territorial courts of the United States),
13 justices and judges retired from office or from regular ac-
14 tive service, judges of the United States Court of Federal
15 Claims, bankruptcy judges, magistrate judges, and all
16 other officers and employees of the Federal Judiciary not
17 otherwise specifically provided for, and necessary expenses
18 of the courts, as authorized by law, \$2,556,000,000 (in-
19 cluding the purchase of firearms and ammunition); of
20 which not to exceed \$13,454,000 shall remain available
21 until expended for space alteration projects; of which
22 \$500,000 shall be transferred to the Commission on
23 Structural Alternatives for the Federal Courts of Appeals
24 only after legislation is enacted to establish the commis-
25 sion; of which not to exceed \$10,000,000 shall remain
26 available until expended for furniture and furnishings re-

1 lated to new space alteration and construction projects;
2 and of which \$500,000 is to remain available until ex-
3 pended for acquisition of books, periodicals, and news-
4 papers, and all other legal reference materials, including
5 subscriptions.

6 In addition, for expenses of the United States Court
7 of Federal Claims associated with processing cases under
8 the National Childhood Vaccine Injury Act of 1986, not
9 to exceed \$2,390,000, to be appropriated from the Vaccine
10 Injury Compensation Trust Fund.

11 For an additional amount for expenses relating to ad-
12 ditional workload from the Antiterrorism and Effective
13 Death Penalty Act of 1996, and for Court Security needs,
14 \$10,000,000, to remain available until expended: *Pro-*
15 *vided*, That the entire amount is designated by Congress
16 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: *Provided further*,
19 That the amount not previously designated by the Presi-
20 dent as an emergency requirement shall be available only
21 to the extent an official budget request, for a specific dol-
22 lar amount that includes designation of the entire amount
23 of the request as an emergency requirement, as defined
24 in the Balanced Budget and Emergency Deficit Control
25 Act of 1985, as amended, is transmitted to Congress.

1 VIOLENT CRIME REDUCTION PROGRAMS

2 For activities of the Federal Judiciary as authorized
3 by law, \$30,000,000, to remain available until expended,
4 which shall be derived from the Violent Crime Reduction
5 Trust Fund, as authorized by section 190001(a) of Public
6 Law 103-322.

7 DEFENDER SERVICES

8 For the operation of Federal Public Defender and
9 Community Defender organizations; the compensation and
10 reimbursement of expenses of attorneys appointed to rep-
11 resent persons under the Criminal Justice Act of 1964,
12 as amended; the compensation and reimbursement of ex-
13 penses of persons furnishing investigative, expert and
14 other services under the Criminal Justice Act (18 U.S.C.
15 3006A(e)); the compensation (in accordance with Criminal
16 Justice Act maximums) and reimbursement of expenses
17 of attorneys appointed to assist the court in criminal cases
18 where the defendant has waived representation by counsel;
19 the compensation and reimbursement of travel expenses
20 of guardians ad litem acting on behalf of financially eligi-
21 ble minor or incompetent offenders in connection with
22 transfers from the United States to foreign countries with
23 which the United States has a treaty for the execution
24 of penal sentences; and the compensation of attorneys ap-
25 pointed to represent jurors in civil actions for the protec-
26 tion of their employment, as authorized by 28 U.S.C.

1 1875(d); \$308,000,000, to remain available until ex-
2 pended as authorized by 18 U.S.C. 3006A(i).

3 FEES OF JURORS AND COMMISSIONERS

4 For fees and expenses of jurors as authorized by 28
5 U.S.C. 1871 and 1876; compensation of jury commis-
6 sioners as authorized by 28 U.S.C. 1863; and compensa-
7 tion of commissioners appointed in condemnation cases
8 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
9 cedure (28 U.S.C. Appendix Rule 71A(h)); \$67,000,000,
10 to remain available until expended: *Provided*, That the
11 compensation of land commissioners shall not exceed the
12 daily equivalent of the highest rate payable under section
13 5332 of title 5, United States Code.

14 COURT SECURITY

15 For necessary expenses, not otherwise provided for,
16 incident to the procurement, installation, and maintenance
17 of security equipment and protective services for the Unit-
18 ed States Courts in courtrooms and adjacent areas, in-
19 cluding building ingress-egress control, inspection of pack-
20 ages, directed security patrols, and other similar activities
21 as authorized by section 1010 of the Judicial Improvement
22 and Access to Justice Act (Public Law 100-702);
23 \$127,000,000, to be expended directly or transferred to
24 the United States Marshals Service which shall be respon-
25 sible for administering elements of the Judicial Security
26 Program consistent with standards or guidelines agreed

1 to by the Director of the Administrative Office of the Unit-
2 ed States Courts and the Attorney General.

3 ADMINISTRATIVE OFFICE OF THE UNITED STATES

4 COURTS

5 SALARIES AND EXPENSES

6 For necessary expenses of the Administrative Office
7 of the United States Courts as authorized by law, includ-
8 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
9 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
10 advertising and rent in the District of Columbia and else-
11 where, \$49,450,000, of which not to exceed \$7,500 is au-
12 thorized for official reception and representation expenses.

13 FEDERAL JUDICIAL CENTER

14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Judicial Cen-
16 ter, as authorized by Public Law 90-219, \$17,495,000;
17 of which \$1,800,000 shall remain available through Sep-
18 tember 30, 1998, to provide education and training to
19 Federal court personnel; and of which not to exceed
20 \$1,000 is authorized for official reception and representa-
21 tion expenses.

22 JUDICIAL RETIREMENT FUNDS

23 PAYMENT TO JUDICIARY TRUST FUNDS

24 For payment to the Judicial Officers' Retirement
25 Fund, as authorized by 28 U.S.C. 377(o), \$21,000,000,

1 to the Judicial Survivors' Annuities Fund, as authorized
2 by 28 U.S.C. 376(c), \$7,300,000, and to the United
3 States Court of Federal Claims Judges' Retirement Fund,
4 as authorized by 28 U.S.C. 178(1), \$1,900,000.

5 UNITED STATES SENTENCING COMMISSION

6 SALARIES AND EXPENSES

7 For the salaries and expenses necessary to carry out
8 the provisions of chapter 58 of title 28, United States
9 Code, \$8,490,000, of which not to exceed \$1,000 is au-
10 thorized for official reception and representation expenses.

11 GENERAL PROVISIONS—THE JUDICIARY

12 SEC. 301. Appropriations and authorizations made in
13 this title which are available for salaries and expenses shall
14 be available for services as authorized by 5 U.S.C. 3109.

15 SEC. 302. Appropriations made in this title shall be
16 available for salaries and expenses of the Special Court
17 established under the Regional Rail Reorganization Act of
18 1973, Public Law 93–236.

19 SEC. 303. Not to exceed 5 percent of any appropria-
20 tion made available for the current fiscal year for the Judi-
21 ciary in this Act may be transferred between such appropria-
22 tions, but no such appropriation, except “Courts of
23 Appeals, District Courts, and other Judicial Services, De-
24 fender Services” and “Courts of Appeals, District Courts,
25 and other Judicial Services, Fees of Jurors and Commis-

1 sioners”, shall be increased by more than 10 percent by
2 any such transfers: *Provided*, That any transfer pursuant
3 to this section shall be treated as a reprogramming of
4 funds under section 605 of this Act and shall not be avail-
5 able for obligation or expenditure except in compliance
6 with the procedures set forth in that section.

7 SEC. 304. Notwithstanding any other provision of
8 law, the salaries and expenses appropriation for district
9 courts, courts of appeals, and other judicial services shall
10 be available for official reception and representation ex-
11 penses of the Judicial Conference of the United States:
12 *Provided*, That such available funds shall not exceed
13 \$10,000 and shall be administered by the Director of the
14 Administrative Office of the United States Courts in his
15 capacity as Secretary of the Judicial Conference.

16 SEC. 305. Section 612(l) of title 28, United States
17 Code, shall be amended as follows: strike “1997”, and in-
18 sert in lieu thereof “1998”.

19 SEC. 306. None of the funds available to the Judici-
20 ary in fiscal years 1996 and 1997 and hereafter shall be
21 available for expenses authorized pursuant to section
22 802(a) of title VIII of section 101(a) of title I of the Om-
23 nibus Consolidated Rescissions and Appropriations Act of
24 1996, Public Law 104–134, for costs related to the ap-
25 pointment of Special Masters prior to April 26, 1996.

1 SEC. 307. (a) ESTABLISHMENT AND FUNCTIONS OF
2 COMMISSION.—

3 (1) ESTABLISHMENT.—There is established a
4 Commission on Structural Alternatives for the Fed-
5 eral Courts of Appeals (hereinafter referred to as
6 the “Commission”).

7 (2) FUNCTIONS.—The function of the Commis-
8 sion shall be to—

9 (A) study the present division of the Unit-
10 ed States into the several judicial circuits;

11 (B) study the structure and alignment of
12 the Federal courts of appeals with particular
13 reference to the ninth circuit; and

14 (C) report to the President and Congress
15 its recommendations for such changes in circuit
16 boundaries or structure as may be appropriate
17 for the expeditious and effective disposition of
18 the caseload of the Federal Courts of Appeal,
19 consistent with fundamental concepts of fair-
20 ness and due process.

21 (b) MEMBERSHIP.—

22 (1) COMPOSITION.—The Commission shall be
23 composed of eleven members appointed as follows:

24 (A) Two members appointed by the Presi-
25 dent of the United States.

1 (B) Three members appointed by the ma-
2 jority leader of the Senate, in consultation with
3 the minority leader of the Senate.

4 (C) Three members appointed by the
5 Speaker of the House of Representatives, in
6 consultation with the minority leader of the
7 House of Representatives.

8 (D) Three members appointed by the Chief
9 Justice of the United States Supreme Court.

10 (2) VACANCY.—Any vacancy in the Commission
11 shall be filled in the same manner as the original ap-
12 pointment.

13 (3) CHAIR.—The Commission shall elect a
14 Chair and Vice Chair from among its members.

15 (4) QUORUM.—Six members of the Commission
16 shall constitute a quorum, but three may conduct
17 hearings.

18 (c) COMPENSATION.—

19 (1) IN GENERAL.—Members of the Commission
20 who are officers, or full-time employees, of the Unit-
21 ed States shall receive no compensation for their
22 services, but shall be reimbursed for travel, subsist-
23 ence, and other necessary expenses incurred in the
24 performance of duties vested in the Commission, but

1 not in excess of the maximum amounts authorized
2 under section 456 of title 28, United States Code.

3 (2) PRIVATE MEMBERS.—Members of the Com-
4 mission from private life shall receive \$200 per diem
5 for each day (including travel time) during which the
6 member is engaged in the actual performance of du-
7 ties vested in the Commission, plus reimbursement
8 for travel, subsistence, and other necessary expenses
9 incurred in the performance of such duties, but not
10 in excess of the maximum amounts authorized under
11 section 456 of title 28, United States Code.

12 (d) PERSONNEL.—

13 (1) EXECUTIVE DIRECTOR.—The Commission
14 may appoint an Executive Director who shall receive
15 compensation at a rate not exceeding the rate pre-
16 scribed for level V of the Executive Schedule under
17 section 5316 of title V, United States Code.

18 (2) STAFF.—The Executive Director, with ap-
19 proval of the Commission, may appoint and fix the
20 compensation of such additional personnel as he de-
21 termines necessary, without regard to the provisions
22 of title 5, United States Code, governing appoint-
23 ments in the competitive service or the provisions of
24 chapter 51 and subchapter III of chapter 53 of such
25 title relating to classification and General Schedule

1 pay rates. Compensation under this subsection shall
2 not exceed the annual maximum rate of basic pay
3 for a position above GS–15 of the General Schedule
4 under section 5108 of title 5, United States Code.

5 (3) EXPERTS AND CONSULTANTS.—The Execu-
6 tive Director may procure personal services of ex-
7 perts and consultants as authorized by section 3109
8 of title 5, United States Code, at rates not to exceed
9 the highest level payable under the General Schedule
10 pay rates under section 5332 of title 5, United
11 States Code.

12 (4) SERVICES.—The Administrative Office of
13 the United States Courts shall provide administra-
14 tive services, including financial and budgeting serv-
15 ices, for the Commission on a reimbursable basis.
16 The Federal Judicial Center shall provide necessary
17 research services on a reimbursable basis.

18 (e) INFORMATION.—The Commission is authorized to
19 request from any department, agency, or independent in-
20 strumentality of the Government any information and as-
21 sistance it determines necessary to carry out its functions
22 under this title and each such department, agency, and
23 independent instrumentality is authorized to provide such
24 information and assistance to the extent permitted by law
25 when requested by the Chair of the Commission.

1 (f) REPORT.—The Commission shall transmit its re-
 2 port to the President and the Congress no later than one
 3 year after enactment of this Act. The Commission shall
 4 terminate ninety days after the date of the submission of
 5 its report.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Commission such
 8 sums, not to exceed \$500,000, as may be necessary to
 9 carry out the purposes of this title. Such sums as are ap-
 10 propriated shall remain available until expended.

11 (h) CONGRESSIONAL CONSIDERATION.—Within sixty
 12 days of the transmission of the report, the Committee on
 13 the Judiciary of the Senate shall act on the report.

14 This title may be cited as “The Judiciary Appropria-
 15 tions Act, 1997”.

16 TITLE IV—DEPARTMENT OF STATE AND
 17 RELATED AGENCIES

18 DEPARTMENT OF STATE

19 ADMINISTRATION OF FOREIGN AFFAIRS

20 DIPLOMATIC AND CONSULAR PROGRAMS

21 For necessary expenses of the Department of State
 22 and the Foreign Service not otherwise provided for, includ-
 23 ing expenses authorized by the State Department Basic
 24 Authorities Act of 1956, as amended; representation to
 25 certain international organizations in which the United

1 States participates pursuant to treaties, ratified pursuant
2 to the advice and consent of the Senate, or specific Acts
3 of Congress; acquisition by exchange or purchase of pas-
4 senger motor vehicles as authorized by 31 U.S.C. 1343,
5 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses
6 of general administration; \$1,700,450,000: *Provided*, That
7 notwithstanding section 140(a)(5), and the second sen-
8 tence of section 140(a)(3), of the Foreign Relations Au-
9 thorization Act, Fiscal Years 1994 and 1995 (Public Law
10 103-236), not to exceed \$150,000,000 of fees may be col-
11 lected during fiscal year 1997 under the authority of sec-
12 tion 140(a)(1) of that Act: *Provided further*, That all fees
13 collected under the preceding proviso shall be deposited
14 in fiscal year 1997 as an offsetting collection to appropria-
15 tions made under this heading to recover the costs of pro-
16 viding consular services and shall remain available until
17 expended: *Provided further*, That in fiscal year 1998, a
18 system shall be in place that allocates to each department
19 and agency the full cost of its presence outside of the Unit-
20 ed States.

21 Of the funds provided under this heading,
22 \$24,856,000 shall be available only for the Diplomatic
23 Telecommunications Service for operation of existing base
24 services and not to exceed \$17,230,000 shall be available
25 only for the enhancement of the Diplomatic Telecommuni-

1 cations Service and shall remain available until expended.
2 Of the latter amount, \$2,500,000 shall not be made avail-
3 able until expiration of the 15 day period beginning on
4 the date when the Secretary of State and the Director of
5 the Diplomatic Telecommunications Service submit the
6 pilot program report required by section 507 of Public
7 Law 103-317.

8 In addition, not to exceed \$700,000 in registration
9 fees collected pursuant to section 38 of the Arms Export
10 Control Act, as amended, may be used in accordance with
11 section 45 of the State Department Basic Authorities Act
12 of 1956 (22 U.S.C. 2717); and in addition not to exceed
13 \$1,223,000 shall be derived from fees collected from other
14 executive agencies for lease or use of facilities located at
15 the International Center in accordance with section 4 of
16 the International Center Act (Public Law 90-553), as
17 amended; and in addition, as authorized by section 5 of
18 such Act, \$450,000, to be derived from the reserve author-
19 ized by that section, to be used for the purposes set out
20 in that section; and in addition not to exceed \$15,000
21 which shall be derived from reimbursements, surcharges,
22 and fees for use of Blair House facilities in accordance
23 with section 46 of the State of Department Basic Authori-
24 ties Act of 1956 (22 U.S.C. 2718(a)).

1 Notwithstanding section 402 of this Act, not to ex-
2 ceed 20 percent of the amounts made available in this Act
3 in the appropriation accounts “Diplomatic and Consular
4 Programs” and “Salaries and Expenses” under the head-
5 ing “Administration of Foreign Affairs” may be trans-
6 ferred between such appropriation accounts: *Provided*,
7 That any transfer pursuant to this sentence shall be treat-
8 ed as a reprogramming of funds under section 605 of this
9 Act and shall not be available for obligation or expenditure
10 except in compliance with the procedures set forth in that
11 section.

12 For an additional amount for counterterrorism re-
13 quirements overseas, including security guards and equip-
14 ment, \$23,700,000, to remain available until expended:
15 *Provided*, 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 SALARIES AND EXPENSES

20 For expenses necessary for the general administra-
21 tion of the Department of State and the Foreign Service,
22 provided for by law, including expenses authorized by sec-
23 tion 9 of the Act of August 31, 1964, as amended (31
24 U.S.C. 3721), and the State Department Basic Authori-
25 ties Act of 1956, as amended, \$352,300,000.

1 CAPITAL INVESTMENT FUND

2 For necessary expenses of the Capital Investment
3 Fund, \$24,600,000, to remain available until expended,
4 as authorized in Public Law 103–236: *Provided*, That sec-
5 tion 135(e) of Public Law 103–236 shall not apply to
6 funds appropriated under this heading.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, as amended (5 U.S.C. App.),
11 \$27,495,000, notwithstanding section 209(a)(1) of the
12 Foreign Service Act of 1980, as amended (Public Law 96–
13 465), as it relates to post inspections: *Provided*, That not-
14 withstanding any other provision of law, the merger of the
15 Office of the Inspector General of the United States Infor-
16 mation Agency with the Office of the Inspector General
17 of the Department of State provided for in the Depart-
18 ments of Commerce, Justice, and State, the Judiciary and
19 Related Agencies Appropriations Act, 1996, contained in
20 Public Law 104–134, is effective hereafter.

21 REPRESENTATION ALLOWANCES

22 For representation allowances as authorized by sec-
23 tion 905 of the Foreign Service Act of 1980, as amended
24 (22 U.S.C. 4085), \$4,490,000.

1 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

2 For expenses, not otherwise provided, to enable the
3 Secretary of State to provide for extraordinary protective
4 services in accordance with the provisions of section 214
5 of the State Department Basic Authorities Act of 1956
6 (22 U.S.C. 4314) and 3 U.S.C. 208, \$8,332,000, to re-
7 main available until September 30, 1998.

8 SECURITY AND MAINTENANCE OF UNITED STATES

9 MISSIONS

10 For necessary expenses for carrying out the Foreign
11 Service Buildings Act of 1926, as amended (22 U.S.C.
12 292–300), and the Diplomatic Security Construction Pro-
13 gram as authorized by title IV of the Omnibus Diplomatic
14 Security and Antiterrorism Act of 1986 (22 U.S.C. 4851),
15 \$364,495,000, to remain available until expended as au-
16 thorized by section 24(c) of the State Department Basic
17 Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*,
18 That none of the funds appropriated in this paragraph
19 shall be available for acquisition of furniture and furnish-
20 ings and generators for other departments and agencies.

21 For an additional amount for security improvements,
22 necessary relocation expenses, and security equipment for
23 United States diplomatic facilities and missions overseas,
24 \$24,825,000, to remain available until expended: *Pro-*
25 *vided*, That of this amount \$9,400,000 is for security
26 projects on behalf of United States and Foreign Commer-

1 REPATRIATION LOANS PROGRAM ACCOUNT

2 For the cost of direct loans, \$593,000, as authorized
3 by section 4 of the State Department Basic Authorities
4 Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs,
5 including the cost of modifying such loans, shall be as de-
6 fined in section 502 of the Congressional Budget Act of
7 1974. In addition, for administrative expenses necessary
8 to carry out the direct loan program, \$663,000 which may
9 be transferred to and merged with the Salaries and Ex-
10 penses account under Administration of Foreign Affairs.

11 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

12 For necessary expenses to carry out the Taiwan Rela-
13 tions Act, Public Law 96-8 (93 Stat. 14), \$14,490,000.

14 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
15 DISABILITY FUND

16 For payment to the Foreign Service Retirement and
17 Disability Fund, as authorized by law, \$126,491,000.

18 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

19 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

20 For expenses, not otherwise provided for, necessary
21 to meet annual obligations of membership in international
22 multilateral organizations, pursuant to treaties ratified
23 pursuant to the advice and consent of the Senate, conven-
24 tions or specific Acts of Congress, \$875,000,000: *Pro-*
25 *vided*, That any payment of arrearages shall be directed
26 toward special activities that are mutually agreed upon by

1 the United States and the respective international organi-
2 zation: *Provided further*, That 20 percent of the funds ap-
3 propriated in this paragraph for the assessed contribution
4 of the United States to the United Nations shall be with-
5 held from obligation and expenditure until a certification
6 is made under section 401(b) of Public Law 103–236 for
7 fiscal year 1997: *Provided further*, That certification under
8 section 401(b) of Public Law 103–236 for fiscal year 1997
9 may only be made if the Committees on Appropriations
10 and Foreign Relations of the Senate and the Committees
11 on Appropriations and International Relations of the
12 House of Representatives are notified of the steps taken,
13 and anticipated, to meet the requirements of section
14 401(b) of Public Law 103–236 at least 15 days in advance
15 of the proposed certification: *Provided further*, That none
16 of the funds appropriated in this paragraph shall be avail-
17 able for a United States contribution to an international
18 organization for the United States share of interest costs
19 made known to the United States Government by such
20 organization for loans incurred on or after October 1,
21 1984, through external borrowings: *Provided further*, That
22 of the funds appropriated in this paragraph, \$80,000,000
23 may be made available only in quarterly installments of
24 \$20,000,000 pursuant to a certification by the Secretary
25 of State on a quarterly basis that the United Nations has

1 taken no action to increase funding for any United Na-
2 tions program without identifying during such quarter an
3 offsetting decrease elsewhere in the United Nations budg-
4 et; and that the United Nations has taken no action to
5 exceed its no growth budget for the biennium 1996–1997
6 adopted in December, 1995: *Provided further*, That if for
7 any quarter, the Secretary of State is unable to make the
8 aforementioned certification, the \$20,000,000 is to be ap-
9 plied to paying the current year assessment for other
10 international organizations for which the assessment has
11 not been paid in full or to paying the assessment due in
12 the next fiscal year for such organizations, subject to the
13 reprogramming procedures contained in section 605 of
14 this Act: *Provided further*, That notwithstanding section
15 402 of this Act, not to exceed \$10,000,000 may be trans-
16 ferred from the funds made available under this heading
17 to the “International Conferences and Contingencies” ac-
18 count for assessed contributions to new or provisional
19 international organizations: *Provided further*, That any
20 transfer pursuant to this paragraph shall be treated as
21 a reprogramming of funds under section 605 of this Act
22 and shall not be available for obligation or expenditure ex-
23 cept in compliance with the procedures set forth in that
24 section.

1 and material for United Nations peacekeeping activities
2 equal to those being given to foreign manufacturers and
3 suppliers.

4 INTERNATIONAL COMMISSIONS

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

8 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

9 UNITED STATES AND MEXICO

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

15 SALARIES AND EXPENSES

16 For salaries and expenses, not otherwise provided for,
17 \$15,490,000.

18 CONSTRUCTION

19 For detailed plan preparation and construction of au-
20 thorized projects, \$6,463,000, to remain available until ex-
21 pended, as authorized by section 24(c) of the State De-
22 partment Basic Authorities Act of 1956 (22 U.S.C.
23 2696(c)).

24 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

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

1 Boundary Commission, United States and Canada, as au-
2 thorized by treaties between the United States and Can-
3 ada or Great Britain, and for the Border Environment
4 Cooperation Commission as authorized by Public Law
5 103–182; \$5,490,000, of which not to exceed \$9,000 shall
6 be available for representation expenses incurred by the
7 International Joint Commission.

8 INTERNATIONAL FISHERIES COMMISSIONS

9 For necessary expenses for international fisheries
10 commissions, not otherwise provided for, as authorized by
11 law, \$14,549,000: *Provided*, That the United States' share
12 of such expenses may be advanced to the respective com-
13 missions, 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
17 by section 501 of Public Law 101–246, \$8,000,000, to
18 remain available until expended, as authorized by section
19 24(c) of the State Department Basic Authorities Act of
20 1956 (22 U.S.C. 2696(c)).

21 RELATED AGENCIES

22 ARMS CONTROL AND DISARMAMENT AGENCY

23 ARMS CONTROL AND DISARMAMENT ACTIVITIES

24 For necessary expenses not otherwise provided, for
25 arms control, nonproliferation, and disarmament activi-
26 ties, \$30,000,000, of which not to exceed \$50,000 shall

1 be for official reception and representation expenses as au-
2 thorized by the Act of September 26, 1961, as amended
3 (22 U.S.C. 2551 et seq.).

4 UNITED STATES INFORMATION AGENCY

5 SALARIES AND EXPENSES

6 For expenses, not otherwise provided for, necessary
7 to enable the United States Information Agency, as au-
8 thorized by the Mutual Educational and Cultural Ex-
9 change Act of 1961, as amended (22 U.S.C. 2451 et seq.),
10 the United States Information and Educational Exchange
11 Act of 1948, as amended (22 U.S.C. 1431 et seq.), and
12 Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to
13 carry out international communication, educational and
14 cultural activities; and to carry out related activities au-
15 thorized by law, including employment, without regard to
16 civil service and classification laws, of persons on a tem-
17 porary basis (not to exceed \$700,000 of this appropria-
18 tion), as authorized by section 801 of such Act of 1948
19 (22 U.S.C. 1471), and entertainment, including official re-
20 ceptions, within the United States, not to exceed \$25,000
21 as authorized by section 804(3) of such Act of 1948 (22
22 U.S.C. 1474(3)); \$440,000,000: *Provided*, That not to ex-
23 ceed \$1,400,000 may be used for representation abroad
24 as authorized by section 302 of such Act of 1948 (22
25 U.S.C. 1452) and section 905 of the Foreign Service Act

1 of 1980 (22 U.S.C. 4085): *Provided further*, That not to
2 exceed \$7,615,000, to remain available until expended,
3 may be credited to this appropriation from fees or other
4 payments received from or in connection with English
5 teaching, library, motion pictures, student advising and
6 counseling, and publication programs as authorized by
7 section 810 of such Act of 1948 (22 U.S.C. 1475e): *Pro-*
8 *vided further*, That not to exceed \$1,100,000 to remain
9 available until expended may be used to carry out projects
10 involving security construction and related improvements
11 for agency facilities not physically located together with
12 Department of State facilities abroad.

13 For an additional amount for necessary expenses re-
14 lating to security, \$1,375,000: *Provided*, That the entire
15 amount is designated by Congress as an emergency re-
16 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985,
18 as amended.

19 TECHNOLOGY FUND

20 For expenses necessary to enable the United States
21 Information Agency to provide for the procurement of in-
22 formation technology improvements, as authorized by the
23 United States Information and Educational Exchange Act
24 of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual
25 Educational and Cultural Exchange Act of 1961, as
26 amended (22 U.S.C. 2451 et seq.), and Reorganization

1 Plan No. 2 of 1977 (91 Stat. 1636), \$5,050,000, to re-
2 main available until expended.

3 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

4 For expenses of educational and cultural exchange
5 programs, as authorized by the Mutual Educational and
6 Cultural Exchange Act of 1961, as amended (22 U.S.C.
7 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91
8 Stat. 1636), \$184,000,000, to remain available until ex-
9 pended as authorized by section 105 of such Act of 1961
10 (22 U.S.C. 2455).

11 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST

12 FUND

13 For necessary expenses of Eisenhower Exchange Fel-
14 lowships, Incorporated, as authorized by sections 4 and
15 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
16 U.S.C. 5204–5205), all interest and earnings accruing to
17 the Eisenhower Exchange Fellowship Program Trust
18 Fund on or before September 30, 1997, to remain avail-
19 able until expended: *Provided*, That none of the funds ap-
20 propriated herein shall be used to pay any salary or other
21 compensation, or to enter into any contract providing for
22 the payment thereof, in excess of the rate authorized by
23 5 U.S.C. 5376; or for purposes which are not in accord-
24 ance with OMB Circulars A–110 (Uniform Administrative
25 Requirements) and A–122 (Cost Principles for Non-profit

1 Organizations), including the restrictions on compensation
2 for personal services.

3 ISRAELI ARAB SCHOLARSHIP PROGRAM

4 For necessary expenses of the Israeli Arab Scholar-
5 ship Program as authorized by section 214 of the Foreign
6 Relations Authorization Act, Fiscal Years 1992 and 1993
7 (22 U.S.C. 2452), all interest and earnings accruing to
8 the Israeli Arab Scholarship Fund on or before September
9 30, 1997, to remain available until expended.

10 INTERNATIONAL BROADCASTING OPERATIONS

11 For expenses necessary to enable the United States
12 Information Agency, as authorized by the United States
13 Information and Educational Exchange Act of 1948, as
14 amended, the United States International Broadcasting
15 Act of 1994, as amended, and Reorganization Plan No.
16 2 of 1977, to carry out international communication ac-
17 tivities; \$325,000,000, of which not to exceed \$16,000
18 may be used for official receptions within the United
19 States as authorized by section 804(3) of such Act of 1948
20 (22 U.S.C. 1474(3)), not to exceed \$35,000 may be used
21 for representation abroad as authorized by section 302 of
22 such Act of 1948 (22 U.S.C. 1452) and section 905 of
23 the Foreign Service Act of 1980 (22 U.S.C. 4085), and
24 not to exceed \$39,000 may be used for official reception
25 and representation expenses of Radio Free Europe/Radio
26 Liberty; and in addition, not to exceed \$250,000 from fees

1 as authorized by section 810 of such Act of 1948 (22
2 U.S.C. 1475e), to remain available until expended for car-
3 rying out authorized purposes; and in addition, notwith-
4 standing any other provision of law, not to exceed
5 \$1,000,000 in monies received (including receipts from ad-
6 vertising, if any) by or for the use of the United States
7 Information Agency from or in connection with broadcast-
8 ing resources owned by or on behalf of the Agency, to be
9 available until expended for carrying out authorized pur-
10 poses.

11 BROADCASTING TO CUBA

12 For expenses necessary to enable the United States
13 Information Agency to carry out the Radio Broadcasting
14 to Cuba Act, as amended, the Television Broadcasting to
15 Cuba Act, and the International Broadcasting Act of
16 1994, including the purchase, rent, construction, and im-
17 provement of facilities for radio and television trans-
18 mission and reception, and purchase and installation of
19 necessary equipment for radio and television transmission
20 and reception, \$25,000,000, to remain available until ex-
21 pended.

22 RADIO CONSTRUCTION

23 For the purchase, rent, construction, and improve-
24 ment of facilities for radio transmission and reception, and
25 purchase and installation of necessary equipment for radio
26 and television transmission and reception as authorized by

1 section 801 of the United States Information and Edu-
2 cational Exchange Act of 1948 (22 U.S.C. 1471),
3 \$35,490,000, to remain available until expended, as au-
4 thorized by section 704(a) of such Act of 1948 (22 U.S.C.
5 1477b(a)).

6 EAST-WEST CENTER

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

17 NORTH/SOUTH CENTER

18 To enable the Director of the United States Informa-
19 tion Agency to provide for carrying out the provisions of
20 the North/South Center Act of 1991 (22 U.S.C. 2075),
21 by grant to an educational institution in Florida known
22 as the North/South Center, \$1,495,000, to remain avail-
23 able until expended.

24 NATIONAL ENDOWMENT FOR DEMOCRACY

25 For grants made by the United States Information
26 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 appropria-
12 tion made available for the current fiscal year for the De-
13 partment of State in this Act may be transferred between
14 such appropriations, but no such appropriation, except as
15 otherwise specifically provided, shall be increased by more
16 than 10 percent by any such transfers: *Provided*, That not
17 to exceed 5 percent of any appropriation made available
18 for the current fiscal year for the United States Informa-
19 tion Agency in this Act may be transferred between such
20 appropriations, but no such appropriation, except as oth-
21 erwise specifically provided, shall be increased by more
22 than 10 percent by any such transfers: *Provided further*,
23 That any transfer pursuant to this section shall be treated
24 as a reprogramming of funds under section 605 of this
25 Act and shall not be available for obligation or expenditure

1 except in compliance with the procedures set forth in that
2 section.

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

9 SEC. 404. Funds appropriated by this Act for the
10 United States Information Agency, the Arms Control and
11 Disarmament Agency, and the Department of State may
12 be obligated and expended notwithstanding section 701 of
13 the United States Information and Educational Exchange
14 Act of 1948 and section 313 of the Foreign Relations Au-
15 thorization Act, Fiscal Years 1994 and 1995, section 53
16 of the Arms Control and Disarmament Act, and section
17 15 of the State Department Basic Authorities Act of
18 1956.

19 SEC. 405. Any costs incurred by a Department or
20 agency funded under this title resulting from personnel
21 actions taken in response to funding reductions included
22 in this title shall be absorbed within the total budgetary
23 resources available to such Department or agency: *Pro-*
24 *vided*, That the authority to transfer funds between appro-
25 priations accounts as may be necessary to carry out this

1 section is provided in addition to authorities included else-
 2 where in this Act: *Provided further*, That use of funds to
 3 carry out this section shall be treated as a reprogramming
 4 of funds under section 605 of this Act and shall not be
 5 available for obligation or expenditure except in compli-
 6 ance with the procedures set forth in that section.

7 This title may be cited as the “Department of State
 8 and Related Agencies Appropriations Act, 1997”.

9 TITLE V—RELATED AGENCIES

10 DEPARTMENT OF TRANSPORTATION

11 MARITIME ADMINISTRATION

12 OPERATING-DIFFERENTIAL SUBSIDIES

13 (LIQUIDATION OF CONTRACT AUTHORITY)

14 For the payment of obligations incurred for operat-
 15 ing-differential subsidies, as authorized by the Merchant
 16 Marine Act, 1936, as amended, \$148,430,000, to remain
 17 available until expended.

18 MARITIME SECURITY PROGRAM

19 For necessary expenses to maintain and preserve a
 20 U.S.-flag merchant fleet to serve the national security
 21 needs of the United States, \$54,000,000, to remain avail-
 22 able until expended: *Provided*, That these funds will be
 23 available only upon enactment of an authorization for this
 24 program.

1 OPERATIONS AND TRAINING

2 For necessary expenses of operations and training ac-
3 tivities authorized by law, \$65,000,000: *Provided*, That re-
4 imbursements may be made to this appropriation from re-
5 ceipts to the “Federal Ship Financing Fund” for adminis-
6 trative expenses in support of that program in addition
7 to any amount heretofore appropriated.

8 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

9 ACCOUNT

10 For the cost of guaranteed loans, as authorized by
11 the Merchant Marine Act, 1936, \$37,450,000, to remain
12 available until expended: *Provided*, That such costs, in-
13 cluding the cost of modifying such loans, shall be as de-
14 fined in section 502 of the Congressional Budget Act of
15 1974, as amended: *Provided further*, That these funds are
16 available to subsidize total loan principal, any part of
17 which is to be guaranteed, not to exceed \$1,000,000,000.

18 In addition, for administrative expenses to carry out
19 the guaranteed loan program, not to exceed \$3,450,000,
20 which shall be transferred to and merged with the appro-
21 priation for Operations and Training.

22 ADMINISTRATIVE PROVISIONS—MARITIME

23 ADMINISTRATION

24 Notwithstanding any other provision of this Act, the
25 Maritime Administration is authorized to furnish utilities
26 and services and make necessary repairs in connection

1 with any lease, contract, or occupancy involving Govern-
2 ment property under control of the Maritime Administra-
3 tion, and payments received therefor shall be credited to
4 the appropriation charged with the cost thereof: *Provided,*
5 That rental payments under any such lease, contract, or
6 occupancy for items other than such utilities, services, or
7 repairs shall be covered into the Treasury as miscellaneous
8 receipts.

9 No obligations shall be incurred during the current
10 fiscal year from the construction fund established by the
11 Merchant Marine Act, 1936, or otherwise, in excess of the
12 appropriations and limitations contained in this Act or in
13 any prior appropriation Act, and all receipts which other-
14 wise would be deposited to the credit of said fund shall
15 be covered into the Treasury as miscellaneous receipts.

16 COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW
17 ENFORCEMENT

18 SALARIES AND EXPENSES

19 For necessary expenses of the Commission on the Ad-
20 vancement of Federal Law Enforcement, as authorized by
21 the Antiterrorism and Effective Death Penalty Act of
22 1996, \$2,000,000, to remain available until September 30,
23 1998.

1 COMMISSION FOR THE PRESERVATION OF AMERICA'S
2 HERITAGE ABROAD
3 SALARIES AND EXPENSES

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

7 COMMISSION ON CIVIL RIGHTS
8 SALARIES AND EXPENSES

9 For necessary expenses of the Commission on Civil
10 Rights, including hire of passenger motor vehicles,
11 \$8,740,000: *Provided*, That not to exceed \$50,000 may
12 be used to employ consultants: *Provided further*, That
13 none of the funds appropriated in this paragraph shall be
14 used to employ in excess of four full-time individuals under
15 Schedule C of the Excepted Service exclusive of one special
16 assistant for each Commissioner: *Provided further*, That
17 none of the funds appropriated in this paragraph shall be
18 used to reimburse Commissioners for more than 75
19 billable days, with the exception of the Chairperson who
20 is permitted 125 billable days.

21 COMMISSION ON IMMIGRATION REFORM
22 SALARIES AND EXPENSES

23 For necessary expenses of the Commission on Immi-
24 gration Reform pursuant to section 141(f) of the Immi-

1 gration Act of 1990, \$2,196,000, to remain available until
2 expended.

3 COMMISSION ON SECURITY AND COOPERATION IN
4 EUROPE
5 SALARIES AND EXPENSES

6 For necessary expenses of the Commission on Security and
7 Cooperation in Europe, as authorized by Public
8 Law 94-304, \$1,090,000, to remain available until ex-
9 pended as authorized by section 3 of Public Law 99-7.

10 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Equal Employment
13 Opportunity Commission as authorized by title VII of the
14 Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)
15 and 621-634), the Americans with Disabilities Act of
16 1990, and the Civil Rights Act of 1991, including services
17 as authorized by 5 U.S.C. 3109; hire of passenger motor
18 vehicles as authorized by 31 U.S.C. 1343(b); non-mone-
19 tary awards to private citizens; not to exceed \$27,500,000,
20 for payments to State and local enforcement agencies for
21 services to the Commission pursuant to title VII of the
22 Civil Rights Act of 1964, as amended, sections 6 and 14
23 of the Age Discrimination in Employment Act, the Ameri-
24 cans with Disabilities Act of 1990, and the Civil Rights
25 Act of 1991; \$239,740,000: *Provided*, That the Commis-

1 sion is authorized to make available for official reception
2 and representation expenses not to exceed \$2,500 from
3 available funds.

4 FEDERAL COMMUNICATIONS COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Communica-
7 tions Commission, as authorized by law, including uni-
8 forms and allowances therefor, as authorized by 5 U.S.C.
9 5901-02; not to exceed \$600,000 for land and structure;
10 not to exceed \$500,000 for improvement and care of
11 grounds and repair to buildings; not to exceed \$4,000 for
12 official reception and representation expenses; purchase
13 (not to exceed sixteen) and hire of motor vehicles; special
14 counsel fees; and services as authorized by 5 U.S.C. 3109;
15 \$189,079,000, of which not to exceed \$300,000 shall re-
16 main available until September 30, 1998, for research and
17 policy studies: *Provided*, That \$152,523,000 of offsetting
18 collections shall be assessed and collected pursuant to sec-
19 tion 9 of title I of the Communications Act of 1934, as
20 amended, and shall be retained and used for necessary ex-
21 penses in this appropriation, and shall remain available
22 until expended: *Provided further*, That the sum herein ap-
23 propriated shall be reduced as such offsetting collections
24 are received during fiscal year 1997 so as to result in a
25 final fiscal year 1997 appropriation estimated at

1 \$36,556,000: *Provided further*, That any offsetting collec-
2 tions received in excess of \$152,523,000 in fiscal year
3 1997 shall remain available until expended, but shall not
4 be available for obligation until October 1, 1997.

5 FEDERAL MARITIME COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Maritime
8 Commission as authorized by section 201(d) of the Mer-
9 chant Marine Act of 1936, as amended (46 App. U.S.C.
10 1111), including services as authorized by 5 U.S.C. 3109;
11 hire of passenger motor vehicles as authorized by 31
12 U.S.C. 1343(b); and uniforms or allowances therefor, as
13 authorized by 5 U.S.C. 5901–02; \$12,725,000: *Provided*,
14 That not to exceed \$2,000 shall be available for official
15 reception and representation expenses.

16 FEDERAL TRADE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Trade Com-
19 mission, including uniforms or allowances therefor, as au-
20 thorized by 5 U.S.C. 5901–5902; services as authorized
21 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
22 not to exceed \$2,000 for official reception and representa-
23 tion expenses; \$85,930,000: *Provided*, That not to exceed
24 \$300,000 shall be available for use to contract with a per-
25 son or persons for collection services in accordance with

1 the terms of 31 U.S.C. 3718, as amended: *Provided fur-*
2 *ther*, That notwithstanding any other provision of law, not
3 to exceed \$58,905,000 of offsetting collections derived
4 from fees collected for premerger notification filings under
5 the Hart-Scott-Rodino Antitrust Improvements Act of
6 1976 (15 U.S.C. 18(a)) shall be retained and used for nec-
7 essary expenses in this appropriation, and shall remain
8 available until expended: *Provided further*, That the sum
9 herein appropriated from the General Fund shall be re-
10 duced as such offsetting collections are received during fis-
11 cal year 1997, so as to result in a final fiscal year 1997
12 appropriation from the General Fund estimated at not
13 more than \$27,025,000, to remain available until ex-
14 pended: *Provided further*, That any fees received in excess
15 of \$58,905,000 in fiscal year 1997 shall remain available
16 until expended, but shall not be available for obligation
17 until October 1, 1997: *Provided further*, That none of the
18 funds made available to the Federal Trade Commission
19 shall be available for obligation for expenses authorized
20 by section 151 of the Federal Deposit Insurance Corpora-
21 tion Improvement Act of 1991 (Public Law 102-242, 105
22 Stat. 2282-2285).

1 GAMBLING IMPACT STUDY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the National Gambling Im-
4 pact Study Commission, \$2,000,000, to remain available
5 until expended: *Provided*, That these funds will be avail-
6 able only upon enactment of an authorization for this
7 Commission.

8 JAPAN-UNITED STATES FRIENDSHIP COMMISSION

9 JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

10 For expenses of the Japan-United States Friendship
11 Commission, as authorized by Public Law 94-118, as
12 amended, from the interest earned on the Japan-United
13 States Friendship Trust Fund, \$1,250,000; and an
14 amount of Japanese currency not to exceed the equivalent
15 of \$1,420,000 based on exchange rates at the time of pay-
16 ment of such amounts as authorized by Public Law 94-
17 118.

18 LEGAL SERVICES CORPORATION

19 PAYMENT TO THE LEGAL SERVICES CORPORATION

20 For payment to the Legal Services Corporation to
21 carry out the purposes of the Legal Services Corporation
22 Act of 1974, as amended, \$278,000,000, of which
23 \$269,400,000 is for basic field programs and required
24 independent audits; \$1,500,000 is for the Office of the In-
25 spector General, of which such amounts as may be nec-

1 essary may be used to conduct additional audits of recipi-
2 ents; and \$7,100,000 is for management and administra-
3 tion.

4 ADMINISTRATIVE PROVISIONS—LEGAL SERVICES

5 CORPORATION

6 SEC. 501. (a) CONTINUATION OF COMPETITIVE SE-
7 LECTION PROCESS.—None of the funds appropriated in
8 this Act to the Legal Services Corporation may be used
9 to provide financial assistance to any person or entity ex-
10 cept through a competitive selection process conducted in
11 accordance with regulations promulgated by the Corpora-
12 tion in accordance with the criteria set forth in subsections
13 (c), (d), and (e) of section 503 of Public Law 104–134
14 (110 Stat. 1321–52 et seq.).

15 (b) INAPPLICABILITY OF NONCOMPETITIVE PROCE-
16 DURES.—For purposes of the funding provided in this
17 Act, rights under sections 1007(a)(9) and 1011 of the
18 Legal Services Corporation Act (42 U.S.C. 2996f(a)(9)
19 and 42 U.S.C. 2996j) shall not apply.

20 SEC. 502. (a) CONTINUATION OF REQUIREMENTS
21 AND RESTRICTIONS.—None of the funds appropriated in
22 this Act to the Legal Services Corporation shall be ex-
23 pended for any purpose prohibited or limited by, or con-
24 trary to any of the provisions of—

25 (1) sections 501, 502, 505, 506, and 507 of
26 Public Law 104–134 (110 Stat. 1321–51 et seq.),

1 and all funds appropriated in this Act to the Legal
2 Services Corporation shall be subject to the same
3 terms and conditions as set forth in such sections,
4 except that all references in such sections to 1995
5 and 1996 shall be deemed to refer instead to 1996
6 and 1997, respectively; and

7 (2) section 504 of Public Law 104–134 (110
8 Stat. 1321–53 et seq.), and all funds appropriated
9 in this Act to the Legal Services Corporation shall
10 be subject to the same terms and conditions set
11 forth in such section, except that—

12 (A) subsection (c) of such section 504 shall
13 not apply;

14 (B) paragraph (3) of section 508(b) of
15 Public Law 104–134 (110 Stat. 1321–58) shall
16 apply with respect to the requirements of sub-
17 section (a)(13) of such section 504, except that
18 all references in such section 508(b) to the date
19 of enactment shall be deemed to refer to April
20 26, 1996; and

21 (C) subsection (a)(11) of such section 504
22 shall not be construed to prohibit a recipient
23 from using funds derived from a source other
24 than the Corporation to provide related legal
25 assistance to—

1 (i) an alien who has been battered or
2 subjected to extreme cruelty in the United
3 States by a spouse or a parent, or by a
4 member of the spouse's or parent's family
5 residing in the same household as the alien
6 and the spouse or parent consented or ac-
7 quiesced to such battery or cruelty; or

8 (ii) an alien whose child has been bat-
9 tered or subjected to extreme cruelty in the
10 United States by a spouse or parent of the
11 alien (without the active participation of
12 the alien in the battery or extreme cru-
13 elty), or by a member of the spouse's or
14 parent's family residing in the same house-
15 hold as the alien and the spouse or parent
16 consented or acquiesced to such battery or
17 cruelty, and the alien did not actively par-
18 ticipate in such battery or cruelty.

19 (b) DEFINITIONS.—For purposes of subsection
20 (a)(2)(C):

21 (1) The term “battered or subjected to extreme
22 cruelty” has the meaning given such term under reg-
23 ulations issued pursuant to subtitle G of the Vio-
24 lence Against Women Act of 1994 (Public Law 103–
25 322; 108 Stat. 1953).

1 SECURITIES AND EXCHANGE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,000 for official reception and representa-
8 tion expenses, \$265,400,000, of which not to exceed
9 \$10,000 may be used toward funding a permanent sec-
10 retariat for the International Organization of Securities
11 Commissions, and of which not to exceed \$100,000 shall
12 be available for expenses for consultations and meetings
13 hosted by the Commission with foreign governmental and
14 other regulatory officials, members of their delegations,
15 appropriate representatives and staff to exchange views
16 concerning developments relating to securities matters, de-
17 velopment and implementation of cooperation agreements
18 concerning securities matters and provision of technical
19 assistance for the development of foreign securities mar-
20 kets, such expenses to include necessary logistic and ad-
21 ministrative expenses and the expenses of Commission
22 staff and foreign invitees in attendance at such consulta-
23 tions and meetings including (1) such incidental expenses
24 as meals taken in the course of such attendance, (2) any
25 travel and transportation to or from such meetings, and

1 (3) any other related lodging or subsistence: *Provided*,
2 That immediately upon enactment of this Act, the rate
3 of fees under section 6(b) of the Securities Act of 1933
4 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one
5 percentum to one-thirty-third of one percentum, and such
6 increase shall be deposited as an offsetting collection to
7 this appropriation, to remain available until expended, to
8 recover costs of services of the securities registration proc-
9 ess: *Provided further*, That immediately upon enactment
10 of this Act or October 1, 1996, whichever occurs later,
11 every national securities association shall pay to the Com-
12 mission a fee at a rate of one-three-hundredth of one
13 percentum of the aggregate dollar amount of sales trans-
14 acted by or through any member of such association other-
15 wise than on a national securities exchange (other than
16 bonds, debentures, and other evidences of indebtedness)
17 subject to prompt last sale reporting pursuant to the rules
18 of the Commission or a registered national securities asso-
19 ciation, excluding any sales for which a fee is paid under
20 section 31 of the Securities Exchange Act of 1934 (15
21 U.S.C. 78ee), and such increase shall be deposited as an
22 offsetting collection to this appropriation, to remain avail-
23 able until expended, to recover the costs to the Govern-
24 ment of the supervision and regulation of securities mar-
25 kets and securities professionals: *Provided further*, That

1 the fee due from every national securities association shall
2 be paid (1) on or before March 15, 1997, with respect
3 to transactions occurring during the period beginning im-
4 mediately upon enactment of this Act or October 1, 1996,
5 whichever occurs later, and ending at the close of Decem-
6 ber 31, 1996; and (2) on or before September 30, 1997,
7 with respect to transactions and sales occurring during the
8 period beginning on January 1, 1997, and ending at the
9 close of August 31, 1997: *Provided further*, That the total
10 amount appropriated for fiscal year 1997 under this head-
11 ing shall be reduced as all such offsetting fees are depos-
12 ited to this appropriation so as to result in a final total
13 fiscal year 1997 appropriation from the General Fund es-
14 timated at not more than \$25,400,000: *Provided further*,
15 That any such fees collected in excess of \$240,000,000
16 shall remain available until expended but shall not be
17 available for obligation until October 1, 1997.

18 SMALL BUSINESS ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses, not otherwise provided for,
21 of the Small Business Administration as authorized by
22 Public Law 103-403, including hire of passenger motor
23 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
24 not to exceed \$3,500 for official reception and representa-
25 tion expenses, \$223,547,000, of which \$1,000,000 shall

1 only be available for obligation and expenditure for
 2 projects jointly developed, implemented and administered
 3 with the Minority Business Development Agency of the
 4 Department of Commerce: *Provided*, That the Adminis-
 5 trator is authorized to charge fees to cover the cost of pub-
 6 lications developed by the Small Business Administration,
 7 and certain loan servicing activities: *Provided further*,
 8 That notwithstanding 31 U.S.C. 3302, revenues received
 9 from all such activities shall be credited to this account,
 10 to be available for carrying out these purposes without fur-
 11 ther appropriations: *Provided further*, That \$75,500,000
 12 shall be available to fund grants for performance in fiscal
 13 year 1997 or fiscal year 1998 as authorized by section
 14 21 of the Small Business Act, as amended.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
 17 General in carrying out the provisions of the Inspector
 18 General Act of 1978, as amended (5 U.S.C. App. 1–11,
 19 as amended by Public Law 100–504), \$9,000,000.

20 BUSINESS LOANS PROGRAM ACCOUNT

21 For the cost of direct loans, \$1,691,000, and for the
 22 cost of guaranteed loans, \$182,017,000, as authorized by
 23 15 U.S.C. 631 note, of which \$2,317,000, to be available
 24 until expended, shall be for the Microloan Guarantee Pro-
 25 gram, and of which \$40,510,000 shall remain available
 26 until September 30, 1998: *Provided*, That such costs, in-

1 cluding the cost of modifying such loans, shall be as de-
2 fined in section 502 of the Congressional Budget Act of
3 1974: *Provided further*, That during fiscal year 1997, com-
4 mitments to guarantee loans under section 503 of the
5 Small Business Investment Act of 1958, as amended, shall
6 not exceed the amount of financings authorized under sec-
7 tion 20(n)(2)(B) of the Small Business Act, as amended.

8 In addition, for administrative expenses to carry out
9 the direct and guaranteed loan programs, \$94,000,000,
10 which may be transferred to and merged with the appro-
11 priations for Salaries and Expenses.

12 DISASTER LOANS PROGRAM ACCOUNT

13 For the cost of direct loans authorized by section 7(b)
14 of the Small Business Act, as amended, \$105,432,000, to
15 remain available until expended: *Provided*, That such
16 costs, including the cost of modifying such loans, shall be
17 as defined in section 502 of the Congressional Budget Act
18 of 1974.

19 In addition, for administrative expenses to carry out
20 the direct loan program, \$86,500,000, including not to ex-
21 ceed \$500,000 for the Office of Inspector General of the
22 Small Business Administration for audits and reviews of
23 disaster loans and the disaster loan program, and said
24 sums may be transferred to and merged with appropria-
25 tions for Salaries and Expenses and Office of Inspector
26 General.

1 SURETY BOND GUARANTEES REVOLVING FUND

2 For additional capital for the “Surety Bond Guarant-
3 tees Revolving Fund”, authorized by the Small Business
4 Investment Act, as amended, \$3,730,000, to remain avail-
5 able without fiscal year limitation as authorized by 15
6 U.S.C. 631 note.

7 ADMINISTRATIVE PROVISION—SMALL BUSINESS

8 ADMINISTRATION

9 SEC. 504. Not to exceed 5 percent of any appropria-
10 tion made available for the current fiscal year for the
11 Small Business Administration in this Act may be trans-
12 ferred between such appropriations, but no such appro-
13 priation shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under section 605 of this Act and shall not be avail-
17 able for obligation or expenditure except in compliance
18 with the procedures set forth in that section.

19 STATE JUSTICE INSTITUTE

20 SALARIES AND EXPENSES

21 For necessary expenses of the State Justice Institute,
22 as authorized by the State Justice Institute Authorization
23 Act of 1992 (Public Law 102–572 (106 Stat. 4515–
24 4516)), \$6,000,000 to remain available until expended:

1 *Provided*, That not to exceed \$2,500 shall be available for
2 official reception and representation expenses.

3 TITLE VI—GENERAL PROVISIONS

4 SEC. 601. No part of any appropriation contained in
5 this Act shall be used for publicity or propaganda purposes
6 not authorized by the Congress.

7 SEC. 602. No part of any appropriation contained in
8 this Act shall remain available for obligation beyond the
9 current fiscal year unless expressly so provided herein.

10 SEC. 603. The expenditure of any appropriation
11 under this Act for any consulting service through procure-
12 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
13 to those contracts where such expenditures are a matter
14 of public record and available for public inspection, except
15 where otherwise provided under existing law, or under ex-
16 isting Executive order issued pursuant to existing law.

17 SEC. 604. If any provision of this Act or the applica-
18 tion of such provision to any person or circumstances shall
19 be held invalid, the remainder of the Act and the applica-
20 tion of each provision to persons or circumstances other
21 than those as to which it is held invalid shall not be af-
22 fected thereby.

23 SEC. 605. (a) None of the funds provided under this
24 Act, or provided under previous appropriations Acts to the
25 agencies funded by this Act that remain available for obli-

1 gation or expenditure in fiscal year 1997, or provided from
2 any accounts in the Treasury of the United States derived
3 by the collection of fees available to the agencies funded
4 by this Act, shall be available for obligation or expenditure
5 through a reprogramming of funds which (1) creates new
6 programs; (2) eliminates a program, project, or activity;
7 (3) increases funds or personnel by any means for any
8 project or activity for which funds have been denied or
9 restricted; (4) relocates an office or employees; (5) reorga-
10 nizes offices, programs, or activities; or (6) contracts out
11 or privatizes any functions, or activities presently per-
12 formed by Federal employees; unless the Appropriations
13 Committees of both Houses of Congress are notified fif-
14 teen days in advance of such reprogramming of funds.

15 (b) None of the funds provided under this Act, or
16 provided under previous appropriations Acts to the agen-
17 cies funded by this Act that remain available for obligation
18 or expenditure in fiscal year 1997, or provided from any
19 accounts in the Treasury of the United States derived by
20 the collection of fees available to the agencies funded by
21 this Act, shall be available for obligation or expenditure
22 for activities, programs, or projects through a reprogram-
23 ming of funds in excess of \$500,000 or 10 percent, which-
24 ever is less, that (1) augments existing programs, projects,
25 or activities; (2) reduces by 10 percent funding for any

1 existing program, project, or activity, or numbers of per-
2 sonnel by 10 percent as approved by Congress; or (3) re-
3 sults from any general savings from a reduction in person-
4 nel which would result in a change in existing programs,
5 activities, or projects as approved by Congress; unless the
6 Appropriations Committees of both Houses of Congress
7 are notified fifteen days in advance of such reprogram-
8 ming of funds.

9 SEC. 606. None of the funds made available in this
10 Act may be used for the construction, repair (other than
11 emergency repair), overhaul, conversion, or modernization
12 of vessels for the National Oceanic and Atmospheric Ad-
13 ministration in shipyards located outside of the United
14 States.

15 SEC. 607. (a) PURCHASE OF AMERICAN-MADE
16 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
17 gress that, to the greatest extent practicable, all equip-
18 ment and products purchased with funds made available
19 in this Act should be American-made.

20 (b) NOTICE REQUIREMENT.—In providing financial
21 assistance to, or entering into any contract with, any en-
22 tity using funds made available in this Act, the head of
23 each Federal agency, to the greatest extent practicable,
24 shall provide to such entity a notice describing the state-
25 ment made in subsection (a) by the Congress.

1 (c) PROHIBITION OF CONTRACTS WITH PERSONS
2 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
3 If it has been finally determined by a court or Federal
4 agency that any person intentionally affixed a label bear-
5 ing a “Made in America” inscription, or any inscription
6 with the same meaning, to any product sold in or shipped
7 to the United States that is not made in the United
8 States, the person shall be ineligible to receive any con-
9 tract or subcontract made with funds made available in
10 this Act, pursuant to the debarment, suspension, and ineli-
11 gibility procedures described in sections 9.400 through
12 9.409 of title 48, Code of Federal Regulations.

13 SEC. 608. None of the funds made available in this
14 Act may be used to implement, administer, or enforce any
15 guidelines of the Equal Employment Opportunity Com-
16 mission covering harassment based on religion, when it is
17 made known to the Federal entity or official to which such
18 funds are made available that such guidelines do not differ
19 in any respect from the proposed guidelines published by
20 the Commission on October 1, 1993 (58 Fed. Reg.
21 51266).

22 SEC. 609. None of the funds appropriated or other-
23 wise made available by this Act may be obligated or ex-
24 pended to pay for any cost incurred for (1) opening or
25 operating any United States diplomatic or consular post

1 in the Socialist Republic of Vietnam that was not operat-
2 ing on July 11, 1995; (2) expanding any United States
3 diplomatic or consular post in the Socialist Republic of
4 Vietnam that was operating on July 11, 1995; or (3) in-
5 creasing the total number of personnel assigned to United
6 States diplomatic or consular posts in the Socialist Repub-
7 lic of Vietnam above the levels existing on July 11, 1995,
8 unless the President certifies within 60 days, based upon
9 all information available to the United States Government
10 that the Government of the Socialist Republic of Vietnam
11 is cooperating in full faith with the United States in the
12 following four areas:

13 (1) Resolving discrepancy cases, live sightings
14 and field activities,

15 (2) Recovering and repatriating American re-
16 mains,

17 (3) Accelerating efforts to provide documents
18 that will help lead to fullest possible accounting of
19 POW/MIA's.

20 (4) Providing further assistance in implement-
21 ing trilateral investigations with Laos.

22 SEC. 610. None of the funds made available by this
23 Act may be used for any United Nations undertaking
24 when it is made known to the Federal official having au-
25 thority to obligate or expend such funds (1) that the Unit-

1 ed Nations undertaking is a peacekeeping mission, (2)
2 that such undertaking will involve United States Armed
3 Forces under the command or operational control of a for-
4 eign national, and (3) that the President's military advi-
5 sors have not submitted to the President a recommenda-
6 tion that such involvement is in the national security inter-
7 ests of the United States and the President has not sub-
8 mitted to the Congress such a recommendation.

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

12 (1) in-cell television viewing except for prisoners
13 who are segregated from the general prison popu-
14 lation for their own safety;

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

17 (3) any instruction (live or through broadcasts)
18 or training equipment for boxing, wrestling, judo,
19 karate, or other martial art, or any bodybuilding or
20 weightlifting equipment of any sort;

21 (4) possession of in-cell coffee pots, hot plates,
22 or heating elements; or

23 (5) the use or possession of any electric or elec-
24 tronic musical instrument.

1 SEC. 612. None of the funds made available in title
2 II for the National Oceanic and Atmospheric Administra-
3 tion under the heading “Fleet Modernization, Shipbuild-
4 ing and Conversion” may be used to implement sections
5 603, 604, and 605 of Public Law 102–567.

6 SEC. 613. Any costs incurred by a Department or
7 agency funded under this Act resulting from personnel ac-
8 tions taken in response to funding reductions included in
9 this Act shall be absorbed within the total budgetary re-
10 sources available to such Department or agency: *Provided*,
11 That the authority to transfer funds between appropria-
12 tions accounts as may be necessary to carry out this sec-
13 tion is provided in addition to authorities included else-
14 where in this Act: *Provided further*, That use of funds to
15 carry out this section shall be treated as a reprogramming
16 of funds under section 605 of this Act and shall not be
17 available for obligation or expenditure except in compli-
18 ance with the procedures set forth in that section.

19 SEC. 614. None of the funds made available in this
20 Act to the Federal Bureau of Prisons may be used to dis-
21 tribute or make available any commercially published in-
22 formation or material to a prisoner when it is made known
23 to the Federal official having authority to obligate or ex-
24 pend such funds that such information or material is sexu-
25 ally explicit or features nudity.

1 “(c)(1) With respect to a medical practitioner’s per-
2 formance of a medical activity that constitutes an infringe-
3 ment under section 271 (a) or (b) of this title, the provi-
4 sions of sections 281, 283, 284, and 285 of this title shall
5 not apply against the medical practitioner or against a re-
6 lated health care entity with respect to such medical activ-
7 ity.

8 “(2) This subsection does not apply to the activities
9 of any person, or employee or agent of such person (re-
10 gardless of whether such person is a tax exempt organiza-
11 tion under section 501(c) of the Internal Revenue Code
12 of 1986), who is engaged in the commercial development,
13 manufacture, sale, importation, or distribution of a ma-
14 chine, manufacture, or composition of matter or the provi-
15 sion of pharmacy or clinical laboratory services (other
16 than laboratory services provided in a physician’s office),
17 if such activities are—

18 “(A) directly related to the commercial develop-
19 ment, manufacture, sale, importation, or distribution
20 of a machine, manufacture, or composition of matter
21 or the provision of pharmacy or clinical laboratory
22 services (other than clinical laboratory services pro-
23 vided in a physician’s office); and

1 “(B) regulated under the Federal Food, Drug,
2 and Cosmetic Act, the Public Health Service Act, or
3 the Clinical Laboratories Improvement Act.

4 “(3) For purposes of this subsection:

5 “(A) The term ‘body’ means—

6 “(i) a human body, organ, or cadaver; or

7 “(ii) a nonhuman animal used in medical
8 research or instruction directly relating to the
9 treatment of humans.

10 “(B) The term ‘medical activity’ means the per-
11 formance of a medical or surgical procedure on a
12 body, but shall not include—

13 “(i) the use of a patented machine, manu-
14 facture, or composition of matter in violation of
15 such patent;

16 “(ii) the practice of a patented use of a
17 composition of matter in violation of such pat-
18 ent; or

19 “(iii) the practice of a process in violation
20 of a biotechnology patent.

21 “(C) The term ‘medical practitioner’ means any
22 natural person who is—

23 “(i) licensed by a State to provide the med-
24 ical activity described under paragraph (1); or

1 “(ii) acting under the direction of such
2 natural person in the performance of the medi-
3 cal activity.

4 “(D) The term ‘patented use of a composition
5 of matter’ does not include a claim for a method of
6 performing a medical or surgical procedure on a
7 body that recites the use of a composition of matter
8 if the use of that composition of matter does not di-
9 rectly contribute to achievement of the objective of
10 the claimed method.

11 “(E) The term ‘professional affiliation’ means
12 staff privileges, medical staff membership, employ-
13 ment or contractual relationship, partnership or
14 ownership interest, academic appointment, or other
15 affiliation under which a medical practitioner pro-
16 vides a medical activity on behalf of, or in associa-
17 tion with, a health care entity.

18 “(F) The term ‘related health care entity’—

19 “(i) means an entity with which a medical
20 practitioner has a professional affiliation under
21 which the medical practitioner performs a medi-
22 cal activity; and

23 “(ii) includes such an affiliation with a
24 nursing home, hospital, university, medical

1 school, health maintenance organization, group
2 medical practice, or a medical clinic.

3 “(G) The term ‘State’ means any State or terri-
4 tory of the United States, the District of Columbia,
5 and the Commonwealth of Puerto Rico.

6 “(4) This subsection shall not apply to any patent
7 issued before the date of enactment of this subsection.”.

8 **SEC. 617.** Effective with the enactment of this Act
9 and in any fiscal year hereafter, section 8 of Public Law
10 96–132 is hereby repealed.

11 **SEC. 618. CERTAIN UNITED STATES ORIGIN HIS-**
12 **TORIC FIREARMS IMPORTS.**—Notwithstanding any other
13 provision of law, no department, agency, or instrumental-
14 ity of the United States receiving appropriated funds
15 under this Act or any other Act shall obligate or expend
16 in any way such funds to pay administrative expenses or
17 the compensation of any officer or employee of the United
18 States to deny any application submitted pursuant to 22
19 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 C.F.R.
20 §§ 178.112 or .113, for a permit to import United States
21 origin “curios or relics” firearms, parts, or ammunition.

22 **SEC. 619. REACTIVATION OF CLOSED SHIPYARDS.**

23 (a) The Secretary may issue a guarantee or a com-
24 mitment to guarantee obligations under title XI of the
25 Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et

1 seq.), upon such terms as the Secretary may prescribe,
2 to assist in the reactivation and modernization of currently
3 closed shipyards in the United States, provided the Sec-
4 retary finds that:

5 (1) the closed shipyard historically built mili-
6 tary vessels and responsible entities now seek to re-
7 open it as an internationally competitive commercial
8 shipyard;

9 (2)(A) the closed shipyard has been designated
10 by the President as a public-private partnership
11 project; or

12 (B) has a reuse plan approved by the Navy in
13 which commercial shipbuilding and repair are pri-
14 mary activities and has a revolving economic conver-
15 sion fund approved by the Department of Defense;
16 and

17 (3) the State in which the shipyard is located,
18 and adjacent States, if applicable, is making a sig-
19 nificant financial investment in the overall cost of re-
20 activation and modernization as its contribution to
21 the reactivation and modernization project, in addi-
22 tion to the funds required by subsection (d)(2) of
23 this section.

24 (b) WAIVERS.—Notwithstanding any other provision
25 of title XI of the Merchant Marine Act, 1936 (46 App.

1 U.S.C. 1271 et seq.), the Secretary shall not apply the
2 requirements of section 1104A(d) of that act when issuing
3 a guarantee or a commitment to guarantee an obligation
4 for the reactivation and modernization of a closed shipyard
5 that meets the requirements of subsection (a) of this sec-
6 tion.

7 (c) CONDITIONS.—The Secretary shall impose such
8 conditions on the issuance of a guarantee or a commit-
9 ment to guarantee under this section as are necessary to
10 protect the interests of the United States from the risk
11 of a default. The Secretary shall consider the interdepend-
12 ency of such shipyard modernization and reactivation
13 projects and related vessel loan guarantee requests pend-
14 ing under title XI of the Merchant Marine Act, 1936 (46
15 App. U.S.C. 1271 et seq.) prior to issuing a guarantee
16 or a commitment to guarantee obligations issued in con-
17 nection with the reactivation and modernization of closed
18 shipyards under this section.

19 (d) FUNDING PROVISIONS.—

20 (1) The Secretary may not guarantee or com-
21 mit to guarantee obligations issued in connection
22 with the reactivation and modernization of closed
23 shipyards under this section that exceed
24 \$100,000,000 in the aggregate.

1 (2) The amount of appropriated funds required
2 by the provisions of the Federal Credit Reform Act
3 of 1990 (2 U.S.C. 661a et seq.) in advance of the
4 Secretary's issuance of a guarantee or a commit-
5 ment to guarantee shall be provided by the State in
6 which the shipyard is located, and adjacent States,
7 if applicable, or a State-chartered agency and depos-
8 ited by the Secretary in the financing account estab-
9 lished under the Federal Credit Reform Act of 1990
10 (2 U.S.C. 661a et seq.) for loan guarantees issued
11 by the Secretary under title XI of the Merchant Ma-
12 rine Act of 1936 (46 App. U.S.C. 1271 et seq.). The
13 funds deposited into said financing account shall be
14 held and applied by the Secretary in accordance with
15 the provisions of the Federal Credit Reform Act of
16 1990 (2 U.S.C. 661a et seq.). No federally appro-
17 priated funds shall be available for this purpose.

18 (3) Notwithstanding the provisions of any other
19 law or regulation, the cost (as that term is defined
20 by the Federal Credit Reform Act of 1990 (2 U.S.C.
21 661a et seq.)) of a guarantee or commitment to
22 guarantee issued under this section may:

23 (i) only be determined with reference to
24 the merits of the specific closed shipyard reac-
25 tivation project with is the subject of that guar-

1 antee or commitment to guarantee, without ref-
 2 erence to any other project, type of project, or
 3 averaged risk; and

4 (ii) not be used in determining the cost of
 5 any other project, type of project or averaged
 6 risk applicable to guarantees or commitments to
 7 guarantee issued under title XI of the Merchant
 8 Marine Act, 1936 (46 App. U.S.C. 1271 et
 9 seq.), as amended.

10 (e) SUNSET.—No commitment to guarantee obliga-
 11 tions under this section shall be issued by the Secretary
 12 more than one year from the date of enactment of this
 13 section.

14 (f) DEFINITION.—The term “Secretary”, as used in
 15 the section, means the Secretary of Transportation.

16 TITLE VII—RESCISSIONS
 17 DEPARTMENT OF JUSTICE
 18 GENERAL ADMINISTRATION
 19 WORKING CAPITAL FUND
 20 (RESCISSION)

21 Of the unobligated balances available under this
 22 heading on October 31, 1996, \$30,000,000 are rescinded.

1 IMMIGRATION AND NATURALIZATION SERVICE

2 IMMIGRATION EMERGENCY FUND

3 (RESCISSION)

4 Of the unobligated balances available under this
5 heading, \$34,779,000 are rescinded.

6 TITLE VIII—FISCAL YEAR 1996

7 SUPPLEMENTALS AND RESCISSIONS

8 DEPARTMENT OF JUSTICE

9 FEDERAL PRISON SYSTEM

10 SALARIES AND EXPENSES

11 In addition to funds made available under this head-
12 ing, \$40,000,000, which shall remain available until Sep-
13 tember 30, 1997: *Provided*, That these funds shall be
14 available upon enactment of this Act: *Provided further*,
15 That these funds shall only be available if enacted by Sep-
16 tember 30, 1996.

17 (RESCISSION)

18 Of the unobligated balances made available under
19 this heading until September 30, 1996, \$40,000,000 are
20 rescinded: *Provided*, That these funds shall only be avail-
21 able for rescission if enacted by September 30, 1996.

22 This Act may be cited as the “Departments of Com-
23 merce, Justice, and State, the Judiciary, and Related
24 Agencies Appropriations Act, 1997.”.

25 (b) For programs, projects, or activities provided for
26 in the Department of Defense Appropriations Act, 1997

1 (H.R. 3610), as passed in the Senate on July 18, 1996,
2 as if such Act had been enacted into law.

3 (c) For programs, projects, or activities provided for
4 in the Foreign Operations, Export Financing, and Related
5 Programs Appropriations Act, 1997, (H.R. 3540), as
6 passed in the Senate on July 26, 1996, as if such Act
7 had been enacted into law.

8 (d) For programs, projects or activities in the De-
9 partment of the Interior and Related Agencies Appropria-
10 tions Act, 1997, provided as follows, to be effective as if
11 it had been enacted into law as the regular appropriations
12 Act:

13 AN ACT

14 Making appropriations for the Department of the In-
15 terior and related agencies for the fiscal year ending Sep-
16 tember 30, 1997, and for other purposes.

17 TITLE I—DEPARTMENT OF THE INTERIOR

18 BUREAU OF LAND MANAGEMENT

19 MANAGEMENT OF LANDS AND RESOURCES

20 For expenses necessary for protection, use, improve-
21 ment, development, disposal, cadastral surveying, classi-
22 fication, acquisition of easements and other interests in
23 lands, and performance of other functions, including main-
24 tenance of facilities, as authorized by law, in the manage-
25 ment of lands and their resources under the jurisdiction

1 of the Bureau of Land Management, including the general
2 administration of the Bureau, and assessment of mineral
3 potential of public lands pursuant to Public Law 96–487
4 (16 U.S.C. 3150(a)), \$572,164,000, to remain available
5 until expended, of which \$2,010,000 shall be available for
6 assessment of the mineral potential of public lands in
7 Alaska pursuant to section 1010 of Public Law 96–487
8 (16 U.S.C. 3150); and of which \$3,000,000 shall be de-
9 rived from the special receipt account established by the
10 Land and Water Conservation Act of 1965, as amended
11 (16 U.S.C. 4601–6a(i)); and of which \$1,000,000 shall be
12 available in fiscal year 1997 subject to a match by at least
13 an equal amount by the National Fish and Wildlife Foun-
14 dation, to such Foundation for challenge cost share
15 projects supporting fish and wildlife conservation affecting
16 Bureau lands; in addition, \$27,300,000 for Mining Law
17 Administration program operations, to remain available
18 until expended, to be reduced by amounts collected by the
19 Bureau and credited to this appropriation from annual
20 mining claim fees so as to result in a final appropriation
21 estimated at not more than \$572,164,000; and in addi-
22 tion, not to exceed \$5,000,000, to remain available until
23 expended, from annual mining claim fees; which shall be
24 credited to this account for the costs of administering the
25 mining claim fee program, and \$2,000,000 from commu-

1 nication site rental fees established by the Bureau for the
2 cost of administering communication site activities: *Pro-*
3 *vided*, That appropriations herein made shall not be avail-
4 able for the destruction of healthy, unadopted, wild horses
5 and burros in the care of the Bureau or its contractors:
6 *Provided further*, That in fiscal year 1997 and thereafter,
7 all fees, excluding mining claim fees, in excess of the fiscal
8 year 1996 collections established by the Secretary of the
9 Interior under the authority of 43 U.S.C. 1734 for proc-
10 essing, recording, or documenting authorizations to use
11 public lands or public land natural resources (including
12 cultural, historical, and mineral) and for providing specific
13 services to public land users, and which are not presently
14 being covered into any Bureau of Land Management ap-
15 propriation accounts, and not otherwise dedicated by law
16 for a specific distribution, shall be made immediately
17 available for program operations in this account and re-
18 main available until expended.

19 WILDLAND FIRE MANAGEMENT

20 For necessary expenses for fire use and management,
21 fire preparedness, suppression operations, and emergency
22 rehabilitation by the Department of the Interior,
23 \$252,042,000, to remain available until expended, of
24 which not to exceed \$5,025,000 shall be for the renovation
25 or construction of fire facilities: *Provided*, That such funds

1 are also available for repayment of advances to other ap-
2 propriation accounts from which funds were previously
3 transferred for such purposes: *Provided further*, That per-
4 sons hired pursuant to 43 U.S.C. 1469 may be furnished
5 subsistence and lodging without costs from funds available
6 from this appropriation: *Provided further*, That unobli-
7 gated balances of amounts previously appropriated to the
8 “Fire Protection” and “Emergency Department of the In-
9 terior Firefighting Fund” may be transferred to this ap-
10 propriation.

11 CENTRAL HAZARDOUS MATERIALS FUND

12 For necessary expenses of the Department of the In-
13 terior and any of its component offices and bureaus for
14 the remedial action, including associated activities, of haz-
15 ardous waste substances, pollutants, or contaminants pur-
16 suant to the Comprehensive Environmental Response,
17 Compensation and Liability Act, as amended (42 U.S.C.
18 9601 et seq.), \$12,000,000, 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 activi-
22 ties conducted by the Department pursuant to sections
23 107 or 113(f) of such Act, shall be credited to this account
24 to be available until expended without further appropria-
25 tion: *Provided further*, That such sums recovered from or

1 paid by any party are not limited to monetary payments
2 and may include stocks, bonds or other personal or real
3 property, which may be retained, liquidated, or otherwise
4 disposed of by the Secretary and which shall be credited
5 to this account.

6 CONSTRUCTION

7 For construction of buildings, recreation facilities,
8 roads, trails, and appurtenant facilities, \$4,333,000, to re-
9 main available until expended.

10 PAYMENTS IN LIEU OF TAXES

11 For expenses necessary to implement the Act of Octo-
12 ber 20, 1976, as amended (31 U.S.C. 6901-07),
13 \$113,500,000, of which not to exceed \$400,000 shall be
14 available for administrative expenses.

15 LAND ACQUISITION

16 For expenses necessary to carry out sections 205,
17 206, and 318(d) of Public Law 94-579 including adminis-
18 trative expenses and acquisition of lands or waters, or in-
19 terests therein, \$10,410,000, to be derived from the Land
20 and Water Conservation Fund, to remain available until
21 expended.

22 OREGON AND CALIFORNIA GRANT LANDS

23 For expenses necessary for management, protection,
24 and development of resources and for construction, oper-
25 ation, and maintenance of access roads, reforestation, and

1 other improvements on the revested Oregon and California
2 Railroad grant lands, on other Federal lands in the Or-
3 egon and California land-grant counties of Oregon, and
4 on adjacent rights-of-way; and acquisition of lands or in-
5 terests therein including existing connecting roads on or
6 adjacent to such grant lands; \$100,515,000, to remain
7 available until expended: *Provided*, That 25 per centum
8 of the aggregate of all receipts during the current fiscal
9 year from the revested Oregon and California Railroad
10 grant lands is hereby made a charge against the Oregon
11 and California land-grant fund and shall be transferred
12 to the General Fund in the Treasury in accordance with
13 the second paragraph of subsection (b) of title II of the
14 Act of August 28, 1937 (50 Stat. 876).

15 RANGE IMPROVEMENTS

16 For rehabilitation, protection, and acquisition of
17 lands and interests therein, and improvement of Federal
18 rangelands pursuant to section 401 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C. 1701),
20 notwithstanding any other Act, sums equal to 50 per cen-
21 tum of all moneys received during the prior fiscal year
22 under sections 3 and 15 of the Taylor Grazing Act (43
23 U.S.C. 315 et seq.) and the amount designated for range
24 improvements from grazing fees and mineral leasing re-
25 ceipts from Bankhead-Jones lands transferred to the De-

1 partment of the Interior pursuant to law, but not less than
2 \$9,113,000, to remain available until expended: *Provided*,
3 That not to exceed \$600,000 shall be available for admin-
4 istrative expenses.

5 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

6 For administrative expenses and other costs related
7 to processing application documents and other authoriza-
8 tions for use and disposal of public lands and resources,
9 for costs of providing copies of official public land docu-
10 ments, for monitoring construction, operation, and termi-
11 nation of facilities in conjunction with use authorizations,
12 and for rehabilitation of damaged property, such amounts
13 as may be collected under Public Law 94-579, as amend-
14 ed, and Public Law 93-153, to remain available until ex-
15 pended: *Provided*, That notwithstanding any provision to
16 the contrary of section 305(a) of Public Law 94-579 (43
17 U.S.C. 1735(a)), any moneys that have been or will be
18 received pursuant to that section, whether as a result of
19 forfeiture, compromise, or settlement, if not appropriate
20 for refund pursuant to section 305(c) of that Act (43
21 U.S.C. 1735(c)), shall be available and may be expended
22 under the authority of this Act by the Secretary to im-
23 prove, protect, or rehabilitate any public lands adminis-
24 tered through the Bureau of Land Management which
25 have been damaged by the action of a resource developer,

1 purchaser, permittee, or any unauthorized person, without
2 regard to whether all moneys collected from each such ac-
3 tion are used on the exact lands damaged which led to
4 the action: *Provided further*, That any such moneys that
5 are in excess of amounts needed to repair damage to the
6 exact land for which funds were collected may be used to
7 repair other damaged public lands.

8 MISCELLANEOUS TRUST FUNDS

9 In addition to amounts authorized to be expended
10 under existing laws, there is hereby appropriated such
11 amounts as may be contributed under section 307 of the
12 Act of October 21, 1976 (43 U.S.C. 1701), and such
13 amounts as may be advanced for administrative costs, sur-
14 veys, appraisals, and costs of making conveyances of omit-
15 ted lands under section 211(b) of that Act, to remain
16 available until expended.

17 ADMINISTRATIVE PROVISIONS

18 Appropriations for the Bureau of Land Management
19 shall be available for purchase, erection, and dismantling
20 of temporary structures, and alteration and maintenance
21 of necessary buildings and appurtenant facilities to
22 which the United States has title; up to \$100,000 for pay-
23 ments, at the discretion of the Secretary, for information
24 or evidence concerning violations of laws administered by
25 the Bureau; miscellaneous and emergency expenses of en-

1 carried out by the Youth Conservation Corps as author-
2 ized by the Act of August 13, 1970, as amended,
3 \$525,447,000, to remain available until September 30,
4 1998, of which \$11,557,000 shall remain available until
5 expended for operation and maintenance of fishery mitiga-
6 tion facilities constructed by the Corps of Engineers under
7 the Lower Snake River Compensation Plan, authorized by
8 the Water Resources Development Act of 1976, to com-
9 pensate for loss of fishery resources from water develop-
10 ment projects on the Lower Snake River, and of which
11 \$2,000,000 shall be provided to local governments in
12 southern California for planning associated with the Natu-
13 ral Communities Conservation Planning (NCCP) program
14 and shall remain available until expended: *Provided*, That
15 hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall
16 charge reasonable fees for the full costs of providing train-
17 ing by the National Education and Training Center, to
18 be credited to this account, notwithstanding 31 U.S.C.
19 3302, for the direct costs of providing such training.

20 CONSTRUCTION

21 For construction and acquisition of buildings and
22 other facilities required in the conservation, management,
23 investigation, protection, and utilization of fishery and
24 wildlife resources, and the acquisition of lands and inter-

1 ests therein; \$43,365,000, to remain available until ex-
2 pended.

3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment ac-
5 tivities by the Department of the Interior necessary to
6 carry out the provisions of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act, as
8 amended (42 U.S.C. 9601, et seq.), Federal Water Pollu-
9 tion Control Act, as amended (33 U.S.C. 1251, et seq.),
10 the Oil Pollution Act of 1990 (Public Law 101–380), and
11 Public Law 101–337; \$4,000,000, to remain available
12 until expended.

13 LAND ACQUISITION

14 For expenses necessary to carry out the Land and
15 Water Conservation Fund Act of 1965, as amended (16
16 U.S.C. 4601–4–11), including administrative expenses,
17 and for acquisition of land or waters, or interest therein,
18 in accordance with statutory authority applicable to the
19 United States Fish and Wildlife Service, \$44,479,000, of
20 which \$3,000,000 is authorized to be appropriated and
21 shall be used to establish the Clarks River National Wild-
22 life Refuge in Kentucky, to be derived from the Land and
23 Water Conservation Fund, to remain available until ex-
24 pended.

1 COOPERATIVE ENDANGERED SPECIES CONSERVATION
2 FUND

3 For expenses necessary to carry out the provisions
4 of the Endangered Species Act of 1973 (16 U.S.C. 1531–
5 1543), as amended, \$14,085,000, for grants to States, to
6 be derived from the Cooperative Endangered Species Con-
7 servation Fund, and to remain available until expended.

8 NATIONAL WILDLIFE REFUGE FUND

9 For expenses necessary to implement the Act of Octo-
10 ber 17, 1978 (16 U.S.C. 715s), \$10,779,000.

11 REWARDS AND OPERATIONS

12 For expenses necessary to carry out the provisions
13 of the African Elephant Conservation Act (16 U.S.C.
14 4201–4203, 4211–4213, 4221–4225, 4241–4245, and
15 1538), \$1,000,000, to remain available until expended.

16 NORTH AMERICAN WETLANDS CONSERVATION FUND

17 For expenses necessary to carry out the provisions
18 of the North American Wetlands Conservation Act, Public
19 Law 101–233, \$9,750,000, to remain available until ex-
20 pended.

21 RHINOCEROS AND TIGER CONSERVATION FUND

22 For deposit to the Rhinoceros and Tiger Conserva-
23 tion Fund, \$400,000, to remain available until expended,
24 to carry out the Rhinoceros and Tiger Conservation Act
25 of 1994 (Public Law 103–391).

1 WILDLIFE CONSERVATION AND APPRECIATION FUND

2 For deposit to the Wildlife Conservation and Appre-
3 ciation Fund, \$800,000, to remain available until ex-
4 pended.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations and funds available to the United
7 States Fish and Wildlife Service shall be available for pur-
8 chase of not to exceed 83 passenger motor vehicles of
9 which 73 are for replacement only (including 43 for police-
10 type use); not to exceed \$400,000 for payment, at the dis-
11 cretion of the Secretary, for information, rewards, or evi-
12 dence concerning violations of laws administered by the
13 Service, and miscellaneous and emergency expenses of en-
14 forcement activities, authorized or approved by the Sec-
15 retary and to be accounted for solely on his certificate;
16 repair of damage to public roads within and adjacent to
17 reservation areas caused by operations of the Service; op-
18 tions for the purchase of land at not to exceed \$1 for each
19 option; facilities incident to such public recreational uses
20 on conservation areas as are consistent with their primary
21 purpose; and the maintenance and improvement of aquar-
22 ia, buildings, and other facilities under the jurisdiction of
23 the Service and to which the United States has title, and
24 which are utilized pursuant to law in connection with man-
25 agement and investigation of fish and wildlife resources:

1 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
2 ice may, under cooperative cost sharing and partnership
3 arrangements authorized by law, procure printing services
4 from cooperators in connection with jointly-produced pub-
5 lications for which the cooperators share at least one-half
6 the cost of printing either in cash or services and the Serv-
7 ice determines the cooperator is capable of meeting accept-
8 ed quality standards: *Provided further*, That the Service
9 may accept donated aircraft as replacements for existing
10 aircraft: *Provided further*, That notwithstanding any other
11 provision of law, the Secretary of the Interior may not
12 spend any of the funds appropriated in this Act for the
13 purchase of lands or interests in lands to be used in the
14 establishment of any new unit of the National Wildlife
15 Refuge System unless the purchase is approved in advance
16 by the House and Senate Committees on Appropriations
17 in compliance with the reprogramming procedures con-
18 tained in House Report 103–551: *Provided further*, That
19 section 101(c) of the Omnibus Consolidated Rescissions
20 and Appropriations Act of 1996 is amended in section
21 315(c)(1)(E) (110 Stat. 1321–201; 16 U.S.C. 4601–6a
22 note) by striking “distributed in accordance with section
23 201(c) of the Emergency Wetlands Resources Act” and
24 inserting “available to the Secretary of the Interior until
25 expended to be used in accordance with clauses (i), (ii),

1 and (iii) of section 201(c)(A) of the Emergency Wetlands
2 Resources Act of 1986 (16 U.S.C. 3911(c)(A))”.

3 NATIONAL PARK SERVICE

4 OPERATION OF THE NATIONAL PARK SYSTEM

5 For expenses necessary for the management, oper-
6 ation, and maintenance of areas and facilities adminis-
7 tered by the National Park Service (including special road
8 maintenance service to trucking permittees on a reimburs-
9 able basis), and for the general administration of the Na-
10 tional Park Service, including not to exceed \$1,593,000
11 for the Volunteers-in-Parks program, and not less than
12 \$1,000,000 for high priority projects within the scope of
13 the approved budget which shall be carried out by the
14 Youth Conservation Corps as authorized by 16 U.S.C.
15 1706, \$1,152,311,000, without regard to 16 U.S.C. 451,
16 of which \$8,000,000 for research, planning and inter-
17 agency coordination in support of land acquisition for Ev-
18 erglades restoration shall remain available until expended,
19 and of which not to exceed \$72,000,000, to remain avail-
20 able until expended, is to be derived from the special fee
21 account established pursuant to title V, section 5201, of
22 Public Law 100–203.

23 NATIONAL RECREATION AND PRESERVATION

24 For expenses necessary to carry out recreation pro-
25 grams, natural programs, cultural programs, environ-

1 mental compliance and review, international park affairs,
2 statutory or contractual aid for other activities, and grant
3 administration, not otherwise provided for, \$37,976,000.

4 HISTORIC PRESERVATION FUND

5 For expenses necessary in carrying out the Historic
6 Preservation Act of 1966, as amended (16 U.S.C. 470),
7 \$36,612,000, to be derived from the Historic Preservation
8 Fund, to remain available until September 30, 1998.

9 CONSTRUCTION

10 For construction, improvements, repair or replace-
11 ment of physical facilities including the modifications au-
12 thorized by section 104 of the Everglades National Park
13 Protection and Expansion Act of 1989, \$163,444,000, to
14 remain available until expended, of which \$270,000 shall
15 be used for appropriate fish restoration projects not relat-
16 ed to dam removal including reimbursement to the State
17 of Washington for emergency actions taken to protect the
18 1996 run of fall chinook salmon on the Elwha River: *Pro-*
19 *vided*, That funds previously provided under this heading
20 that had been made available to the City of Hot Springs,
21 Arkansas, to be used for a flood protection feasibility
22 study, are now made available to the City of Hot Springs
23 for the rehabilitation of the Federally-constructed Hot
24 Springs Creek Arch, including the portion within Hot
25 Springs National Park.

1 LAND AND WATER CONSERVATION FUND

2 (RESCISSION)

3 The contract authority provided for fiscal year 1997
4 by 16 U.S.C. 4601-10a is rescinded.

5 LAND ACQUISITION AND STATE ASSISTANCE

6 For expenses necessary to carry out the Land and
7 Water Conservation Fund Act of 1965, as amended (16
8 U.S.C. 4601-4-11), including administrative expenses,
9 and for acquisition of lands or waters, or interest therein,
10 in accordance with statutory authority applicable to the
11 National Park Service, \$53,915,000, to be derived from
12 the Land and Water Conservation Fund, to remain avail-
13 able until expended, of which \$1,500,000 is to administer
14 the State assistance program: *Provided*, That any funds
15 made available for the purpose of acquisition of the Elwha
16 and Glines dams shall be used solely for acquisition, and
17 shall not be expended until the full purchase amount has
18 been appropriated by the Congress: *Provided further*, That
19 of the funds provided herein, \$9,000,000 is available for
20 acquisition of the Sterling Forest, subject to authorization.

21 ADMINISTRATIVE PROVISIONS

22 Appropriations for the National Park Service shall be
23 available for the purchase of not to exceed 404 passenger
24 motor vehicles, of which 287 shall be for replacement only,
25 including not to exceed 320 for police-type use, 13 buses,

1 and 6 ambulances: *Provided*, That none of the funds ap-
2 propriated to the National Park Service may be used to
3 process any grant or contract documents which do not in-
4 clude the text of 18 U.S.C. 1913: *Provided further*, That
5 none of the funds appropriated to the National Park Serv-
6 ice may be used to implement an agreement for the rede-
7 velopment of the southern end of Ellis Island until such
8 agreement has been submitted to the Congress and shall
9 not be implemented prior to the expiration of 30 calendar
10 days (not including any day in which either House of Con-
11 gress is not in session because of adjournment of more
12 than three calendar days to a day certain) from the receipt
13 by the Speaker of the House of Representatives and the
14 President of the Senate of a full and comprehensive report
15 on the development of the southern end of Ellis Island,
16 including the facts and circumstances relied upon in sup-
17 port of the proposed project.

18 None of the funds in this Act may be spent by the
19 National Park Service for activities taken in direct re-
20 sponse to the United Nations Biodiversity Convention.

21 The National Park Service may in fiscal year 1997
22 and thereafter enter into cooperative agreements that in-
23 volve the transfer of National Park Service appropriated
24 funds to State, local and tribal governments, other public
25 entities, educational institutions, and private nonprofit or-

1 ganizations for the public purpose of carrying out National
2 Park Service programs pursuant to 31 U.S.C. 6305 to
3 carry out public purposes of National Park Service pro-
4 grams.

5 Notwithstanding any other provision of law, remain-
6 ing balances, including interest, from funds granted to the
7 National Park Foundation pursuant to the National Park
8 System Visitor Facilities Fund Act of 1983 (Public Law
9 97-433, 96 Stat. 2277) shall be available to the National
10 Park Foundation for expenditure in units of the National
11 Park System for the purpose of improving visitor facilities.

12 UNITED STATES GEOLOGICAL SURVEY

13 SURVEYS, INVESTIGATIONS, AND RESEARCH

14 For expenses necessary for the United States Geo-
15 logical Survey to perform surveys, investigations, and re-
16 search covering topography, geology, hydrology, and the
17 mineral and water resources of the United States, its Ter-
18 ritories and possessions, and other areas as authorized by
19 43 U.S.C. 31, 1332 and 1340; classify lands as to their
20 mineral and water resources; give engineering supervision
21 to power permittees and Federal Energy Regulatory Com-
22 mission licensees; administer the minerals exploration pro-
23 gram (30 U.S.C. 641); and publish and disseminate data
24 relative to the foregoing activities; and to conduct inquiries
25 into the economic conditions affecting mining and mate-

1 rials processing industries (30 U.S.C. 3, 21a, and 1603;
2 50 U.S.C. 98g(1)) and related purposes as authorized by
3 law and to publish and disseminate data; \$738,913,000,
4 of which \$64,559,000 shall be available only for coopera-
5 tion with States or municipalities for water resources in-
6 vestigations; and of which \$16,000,000 shall remain avail-
7 able until expended for conducting inquiries into the eco-
8 nomic conditions affecting mining and materials process-
9 ing industries; and of which \$137,500,000 shall be avail-
10 able until September 30, 1998 for the biological research
11 activity and the operation of the Cooperative Research
12 Units: *Provided*, That none of these funds provided for
13 the biological research activity shall be used to conduct
14 new surveys on private property, unless specifically au-
15 thorized in writing by the property owner: *Provided fur-*
16 *ther*, That beginning in fiscal year 1998 and once every
17 five years thereafter, the National Academy of Sciences
18 shall review and report on the biological research activity
19 of the Survey: *Provided further*, That no part of this ap-
20 propriation shall be used to pay more than one-half the
21 cost of topographic mapping or water resources data col-
22 lection and investigations carried on in cooperation with
23 States and municipalities.

1 ADMINISTRATIVE PROVISIONS

2 The amount appropriated for the United States Geo-
3 logical Survey shall be available for the purchase of not
4 to exceed 53 passenger motor vehicles, of which 48 are
5 for replacement only; reimbursement to the General Serv-
6 ices Administration for security guard services; contract-
7 ing for the furnishing of topographic maps and for the
8 making of geophysical or other specialized surveys when
9 it is administratively determined that such procedures are
10 in the public interest; construction and maintenance of
11 necessary buildings and appurtenant facilities; acquisition
12 of lands for gauging stations and observation wells; ex-
13 penses of the United States National Committee on Geol-
14 ogy; and payment of compensation and expenses of per-
15 sons on the rolls of the Survey duly appointed 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 vehi-
5 cles for replacement only; \$156,955,000, of which not less
6 than \$70,063,000 shall be available for royalty manage-
7 ment activities; and an amount not to exceed \$41,000,000
8 for the Technical Information Management System and
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,
13 from rate increases to fee collections for OCS administra-
14 tive activities performed by the Minerals Management
15 Service over and above the rates in effect on September
16 30, 1993, and from additional fees for OCS administrative
17 activities established after September 30, 1993: *Provided*,
18 That \$1,500,000 for computer acquisitions shall remain
19 available until September 30, 1998: *Provided further*, That
20 funds appropriated under this Act shall be available for
21 the payment of interest in accordance with 30 U.S.C.
22 1721 (b) and (d): *Provided further*, That not to exceed
23 \$3,000 shall be available for reasonable expenses related
24 to promoting volunteer beach and marine cleanup activi-
25 ties: *Provided further*, That notwithstanding any other

1 provision of law, \$15,000 under this head shall be avail-
2 able for refunds of overpayments in connection with cer-
3 tain Indian leases in which the Director of the Minerals
4 Management Service concurred with the claimed refund
5 due, to pay amounts owed to Indian allottees or Tribes,
6 or to correct prior unrecoverable erroneous payments.

7 OIL SPILL RESEARCH

8 For necessary expenses to carry out title I, section
9 1016, title IV, sections 4202 and 4303, title VII, and title
10 VIII, section 8201 of the Oil Pollution Act of 1990,
11 \$6,440,000, which shall be derived from the Oil Spill Li-
12 ability Trust Fund, to remain available until expended.

13 OFFICE OF SURFACE MINING RECLAMATION AND

14 ENFORCEMENT

15 REGULATION AND TECHNOLOGY

16 For necessary expenses to carry out the provisions
17 of the Surface Mining Control and Reclamation Act of
18 1977, Public Law 95-87, as amended, including the pur-
19 chase of not to exceed 10 passenger motor vehicles, for
20 replacement only; \$94,172,000, and notwithstanding 31
21 U.S.C. 3302, an additional amount shall be credited to
22 this account, to remain available until expended, from per-
23 formance bond forfeitures in fiscal year 1997: *Provided,*
24 That the Secretary of the Interior, pursuant to regula-
25 tions, may utilize directly or through grants to States,

1 moneys collected in fiscal year 1997 for civil penalties as-
2 sessed under section 518 of the Surface Mining Control
3 and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim
4 lands adversely affected by coal mining practices after Au-
5 gust 3, 1977, to remain available until expended: *Provided*
6 *further*, That appropriations for the Office of Surface Min-
7 ing Reclamation and Enforcement may provide for the
8 travel and per diem expenses of State and tribal personnel
9 attending Office of Surface Mining Reclamation and En-
10 forcement sponsored training.

11 ABANDONED MINE RECLAMATION FUND

12 For necessary expenses to carry out title IV of the
13 Surface Mining Control and Reclamation Act of 1977,
14 Public Law 95–87, as amended, including the purchase
15 of not more than 10 passenger motor vehicles for replace-
16 ment only, \$177,085,000, to be derived from receipts of
17 the Abandoned Mine Reclamation Fund and to remain
18 available until expended; of which up to \$4,000,000 shall
19 be for supplemental grants to States for the reclamation
20 of abandoned sites with acid mine rock drainage from coal
21 mines through the Appalachian Clean Streams Initiative:
22 *Provided*, That grants to minimum program States will
23 be \$1,500,000 per State in fiscal year 1997: *Provided fur-*
24 *ther*, That of the funds herein provided up to \$18,000,000
25 may be used for the emergency program authorized by sec-

1 tion 410 of Public Law 95–87, as amended, of which no
2 more than 25 per centum shall be used for emergency rec-
3 lamation projects in any one State and funds for federally-
4 administered emergency reclamation projects under this
5 proviso shall not exceed \$11,000,000: *Provided further,*
6 That prior year unobligated funds appropriated for the
7 emergency reclamation program shall not be subject to the
8 25 per centum limitation per State and may be used with-
9 out fiscal year limitation for emergency projects: *Provided*
10 *further,* That pursuant to Public Law 97–365, the Depart-
11 ment of the Interior is authorized to use up to 20 per
12 centum from the recovery of the delinquent debt owed to
13 the United States Government to pay for contracts to col-
14 lect these debts: *Provided further,* That funds made avail-
15 able to States under title IV of Public Law 95–87 may
16 be used, at their discretion, for any required non-Federal
17 share of the cost of projects funded by the Federal Gov-
18 ernment for the purpose of environmental restoration re-
19 lated to treatment or abatement of acid mine drainage
20 from abandoned mines: *Provided further,* That such
21 projects must be consistent with the purposes and prior-
22 ities of the Surface Mining Control and Reclamation Act:
23 *Provided further,* That the State of Maryland may set
24 aside the greater of \$1,000,000 or 10 percent of the total
25 of the grants made available to the State under title IV

1 of the Surface Mining Control and Reclamation Act of
2 1977, as amended (30 U.S.C. 1231 et seq.) if the amount
3 set aside is deposited in an acid mine drainage abatement
4 and treatment fund established under a State law, pursu-
5 ant to which law the amount (together with all interest
6 earned on the amount) is expended by the State to under-
7 take acid mine drainage abatement and treatment
8 projects, except that before any amounts greater than 10
9 percent of its title IV grants are deposited in an acid mine
10 drainage abatement and treatment fund, the State of
11 Maryland must first complete all Surface Mining Control
12 and Reclamation Act priority one projects.

13 BUREAU OF INDIAN AFFAIRS

14 OPERATION OF INDIAN PROGRAMS

15 For operation of Indian programs by direct expendi-
16 ture, contracts, cooperative agreements, compacts, and
17 grants including expenses necessary to provide education
18 and welfare services for Indians, either directly or in co-
19 operation with States and other organizations, including
20 payment of care, tuition, assistance, and other expenses
21 of Indians in boarding homes, or institutions, or schools;
22 grants and other assistance to needy Indians; maintenance
23 of law and order; management, development, improve-
24 ment, and protection of resources and appurtenant facili-
25 ties under the jurisdiction of the Bureau, including pay-

1 ment of irrigation assessments and charges; acquisition of
2 water rights; advances for Indian industrial and business
3 enterprises; operation of Indian arts and crafts shops and
4 museums; development of Indian arts and crafts, as au-
5 thorized by law; for the general administration of the Bu-
6 reau, including such expenses in field offices; maintaining
7 of Indian reservation roads as defined in 23 U.S.C. 101;
8 and construction, repair, and improvement of Indian hous-
9 ing, \$1,436,902,000, of which not to exceed \$86,520,000
10 shall be for welfare assistance payments and not to exceed
11 \$90,829,000 shall be for payments to tribes and tribal or-
12 ganizations for contract support costs associated with on-
13 going contracts or grants or compacts entered into with
14 the Bureau prior to fiscal year 1997, as authorized by the
15 Indian Self-Determination Act of 1975, as amended, and
16 up to \$5,000,000 shall be for the Indian Self-Determina-
17 tion Fund, which shall be available for the transitional
18 cost of initial or expanded tribal contracts, grants, com-
19 pacts, or cooperative agreements with the Bureau under
20 such Act; and of which not to exceed \$365,124,000 for
21 school operations costs of Bureau-funded schools and
22 other education programs shall become available on July
23 1, 1997, and shall remain available until September 30,
24 1998; and of which not to exceed \$53,805,000 for higher
25 education scholarships, adult vocational training, and as-

1 sistance to public schools under 25 U.S.C. 452 et seq.,
2 shall remain available until September 30, 1998; and of
3 which not to exceed \$54,973,000 shall remain available
4 until expended for housing improvement, road mainte-
5 nance, attorney fees, litigation support, self-governance
6 grants, the Indian Self-Determination Fund, and the Nav-
7 ajo-Hopi Settlement Program: *Provided*, That tribes and
8 tribal contractors may use their tribal priority allocations
9 for unmet indirect costs of ongoing contracts, grants or
10 compact agreements: *Provided further*, That funds made
11 available to tribes and tribal organizations through con-
12 tracts or grants obligated during fiscal year 1997, as au-
13 thorized by the Indian Self-Determination Act of 1975,
14 or grants authorized by the Indian Education Amend-
15 ments of 1988 (25 U.S.C. 2001 and 2008A) shall remain
16 available until expended by the contractor or grantee: *Pro-*
17 *vided further*, That to provide funding uniformity within
18 a Self-Governance Compact, any funds provided in this
19 Act with availability for more than one year may be repro-
20 grammed to one year availability but shall remain avail-
21 able within the Compact until expended: *Provided further*,
22 That notwithstanding any other provision of law, Indian
23 tribal governments may, by appropriate changes in eligi-
24 bility criteria or by other means, change eligibility for gen-
25 eral assistance or change the amount of general assistance

1 payments for individuals within the service area of such
2 tribe who are otherwise deemed eligible for general assist-
3 ance payments so long as such changes are applied in a
4 consistent manner to individuals similarly situated: *Pro-*
5 *vided further*, That any savings realized by such changes
6 shall be available for use in meeting other priorities of the
7 tribes: *Provided further*, That any net increase in costs to
8 the Federal Government which result solely from tribally
9 increased payment levels for general assistance shall be
10 met exclusively from funds available to the tribe from
11 within its tribal priority allocation: *Provided further*, That
12 any forestry funds allocated to a tribe which remain unob-
13 ligated as of September 30, 1997, may be transferred dur-
14 ing fiscal year 1998 to an Indian forest land assistance
15 account established for the benefit of such tribe within the
16 tribe's trust fund account: *Provided further*, That any such
17 unobligated balances not so transferred shall expire on
18 September 30, 1998: *Provided further*, That notwithstand-
19 ing any other provision of law, no funds available to the
20 Bureau, other than the amounts provided herein for as-
21 sistance to public schools under 25 U.S.C. 452 et seq.,
22 shall be available to support the operation of any elemen-
23 tary or secondary school in the State of Alaska in fiscal
24 year 1997: *Provided further*, That funds made available
25 in this or any other Act for expenditure through Septem-

1 ber 30, 1998 for schools funded by the Bureau shall be
2 available only to the schools in the Bureau school system
3 as of September 1, 1995: *Provided further*, That no funds
4 available to the Bureau shall be used to support expanded
5 grades for any school or dormitory beyond the grade struc-
6 ture in place or approved by the Secretary of the Interior
7 at each school in the Bureau school system as of October
8 1, 1995: *Provided further*, That in fiscal year 1997 and
9 thereafter, notwithstanding the provisions of 25 U.S.C.
10 2012(h)(1) (A) and (B), upon the recommendation of ei-
11 ther (i) a local school board and school supervisor for an
12 education position in a Bureau of Indian Affairs operated
13 school, or (ii) an Agency school board and education line
14 officer for an Agency education position, the Secretary
15 shall establish adjustments to the rates of basic compensa-
16 tion or annual salary rates established under 25 U.S.C.
17 2012(h)(1) (A) and (B) for education positions at the
18 school or the Agency, at a level not less than that for com-
19 parable positions in the nearest public school district, and
20 the adjustment shall be deemed to be a change to basic
21 pay and shall not be subject to collective bargaining: *Pro-*
22 *vided further*, That any reduction to rates of basic com-
23 pensation or annual salary rates below the rates estab-
24 lished under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply
25 only to educators appointed after June 30, 1997, and shall

1 not affect the right of an individual employed on June 30,
2 1997, in an education position, to receive the compensa-
3 tion attached to such position under 25 U.S.C. 2012(h)(1)
4 (A) and (B) so long as the individual remains in the same
5 position at the same school: *Provided further*, That not-
6 withstanding 25 U.S.C. 2012(h)(1)(B), when the rates of
7 basic compensation for teachers and counselors at Bureau-
8 operated schools are established at the rates of basic com-
9 pensation applicable to comparable positions in overseas
10 schools under the Defense Department Overseas Teachers
11 Pay and Personnel Practices Act, such rates shall become
12 effective with the start of the next academic year following
13 the issuance of the Department of Defense salary schedule
14 and shall not be effected retroactively.

15 CONSTRUCTION

16 For construction, major repair, and improvement of
17 irrigation and power systems, buildings, utilities, and
18 other facilities, including architectural and engineering
19 services by contract; acquisition of lands, and interests in
20 lands; and preparation of lands for farming, and for con-
21 struction of the Navajo Indian Irrigation Project pursuant
22 to Public Law 87-483, \$94,531,000, to remain available
23 until expended: *Provided*, That such amounts as may be
24 available for the construction of the Navajo Indian Irriga-
25 tion Project may be transferred to the Bureau of Reclama-

1 tion: *Provided further*, That not to exceed 6 per centum
2 of contract authority available to the Bureau of Indian
3 Affairs from the Federal Highway Trust Fund may be
4 used to cover the road program management costs of the
5 Bureau: *Provided further*, That any funds provided for the
6 Safety of Dams program pursuant to 25 U.S.C. 13 shall
7 be made available on a non-reimbursable basis: *Provided*
8 *further*, That for fiscal year 1997, in implementing new
9 construction or facilities improvement and repair project
10 grants in excess of \$100,000 that are provided to tribally
11 controlled grant schools under Public Law 100–297, as
12 amended, the Secretary of the Interior shall use the Ad-
13 ministrative and Audit Requirements and Cost Principles
14 for Assistance Programs contained in 43 CFR part 12 as
15 the regulatory requirements: *Provided further*, That such
16 grants shall not be subject to section 12.61 of 43 CFR;
17 the Secretary and the grantee shall negotiate and deter-
18 mine a schedule of payments for the work to be performed:
19 *Provided further*, That in considering applications, the
20 Secretary shall consider whether the Indian tribe or tribal
21 organization would be deficient in assuring that the con-
22 struction projects conform to applicable building stand-
23 ards and codes and Federal, tribal, or State health and
24 safety standards as required by 25 U.S.C. 2005(a), with
25 respect to organizational and financial management capa-

1 bilities: *Provided further*, That if the Secretary declines an
 2 application, the Secretary shall follow the requirements
 3 contained in 25 U.S.C. 2505(f): *Provided further*, That
 4 any disputes between the Secretary and any grantee con-
 5 cerning a grant shall be subject to the disputes provision
 6 in 25 U.S.C. 2508(e).

7 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 8 MISCELLANEOUS PAYMENTS TO INDIANS

9 For miscellaneous payments to Indian tribes and in-
 10 dividuals and for necessary administrative expenses,
 11 \$69,241,000, to remain available until expended; of which
 12 \$68,400,000 shall be available for implementation of en-
 13 acted Indian land and water claim settlements pursuant
 14 to Public Laws 101-618, 102-374, 102-575, and for im-
 15 plementation of other enacted water rights settlements, in-
 16 cluding not to exceed \$8,000,000, which shall be for the
 17 Federal share of the Catawba Indian Tribe of South Caro-
 18 lina Claims Settlement, as authorized by section 5(a) of
 19 Public Law 103-116; and of which \$841,000 shall be
 20 available pursuant to Public Laws 98-500, 99-264, and
 21 100-580.

22 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

23 For the cost of guaranteed loans, \$4,500,000, as au-
 24 thorized by the Indian Financing Act of 1974, as amend-
 25 ed: *Provided*, That such costs, including the cost of modi-

1 fying such loans, shall be as defined in section 502 of the
2 Congressional Budget Act of 1974: *Provided further*, That
3 these funds are available to subsidize total loan principal,
4 any part of which is to be guaranteed, not to exceed
5 \$34,615,000.

6 In addition, for administrative expenses to carry out
7 the guaranteed loan programs, \$500,000.

8 ADMINISTRATIVE PROVISIONS

9 Appropriations for the Bureau of Indian Affairs (ex-
10 cept the revolving fund for loans, the Indian loan guaran-
11 tee and insurance fund, the Technical Assistance of Indian
12 Enterprises account, the Indian Direct Loan Program ac-
13 count, and the Indian Guaranteed Loan Program account)
14 shall be available for expenses of exhibits, and purchase
15 of not to exceed 229 passenger motor vehicles, of which
16 not to exceed 187 shall be for replacement only.

17 Notwithstanding any other provision of law, no funds
18 available to the Bureau of Indian Affairs for central office
19 operations or pooled overhead general administration shall
20 be available for tribal contracts, grants, compacts, or coop-
21 erative agreements with the Bureau of Indian Affairs
22 under the provisions of the Indian Self-Determination Act
23 or the Tribal Self-Governance Act of 1994 (Public Law
24 103-413).

1 DEPARTMENTAL OFFICES

2 INSULAR AFFAIRS

3 ASSISTANCE TO TERRITORIES

4 For expenses necessary for assistance to territories
5 under the jurisdiction of the Department of the Interior,
6 \$65,188,000, of which (1) \$61,339,000 shall be available
7 until expended for technical assistance, including mainte-
8 nance assistance, disaster assistance, insular management
9 controls, and brown tree snake control and research;
10 grants to the judiciary in American Samoa for compensa-
11 tion and expenses, as authorized by law (48 U.S.C.
12 1661(c)); grants to the Government of American Samoa,
13 in addition to current local revenues, for construction and
14 support of governmental functions; grants to the Govern-
15 ment of the Virgin Islands as authorized by law; grants
16 to the Government of Guam, as authorized by law; and
17 grants to the Government of the Northern Mariana Is-
18 lands as authorized by law (Public Law 94-241; 90 Stat.
19 272); and (2) \$3,849,000 shall be available for salaries
20 and expenses of the Office of Insular Affairs: *Provided,*
21 That all financial transactions of the territorial and local
22 governments herein provided for, including such trans-
23 actions of all agencies or instrumentalities established or
24 utilized by such governments, may be audited by the Gen-
25 eral Accounting Office, at its discretion, in accordance

1 with chapter 35 of title 31, United States Code: *Provided*
2 *further*, That Northern Mariana Islands Covenant grant
3 funding shall be provided according to those terms of the
4 Agreement of the Special Representatives on Future Unit-
5 ed States Financial Assistance for the Northern Mariana
6 Islands approved by Public Law 99–396, or any subse-
7 quent legislation related to Commonwealth of the North-
8 ern Mariana Islands grant funding: *Provided further*, That
9 section 703(a) of Public Law 94–241, as amended, is
10 hereby amended by striking “of the Government of the
11 Northern Mariana Islands”: *Provided further*, That of the
12 amounts provided for technical assistance, sufficient fund-
13 ing shall be made available for a grant to the Close Up
14 Foundation: *Provided further*, That the funds for the pro-
15 gram of operations and maintenance improvement are ap-
16 propriated to institutionalize routine operations and main-
17 tenance improvement of capital infrastructure in Amer-
18 ican Samoa, Guam, the Virgin Islands, the Commonwealth
19 of the Northern Mariana Islands, the Republic of Palau,
20 the Republic of the Marshall Islands, and the Federated
21 States of Micronesia through assessments of long-range
22 operations maintenance needs, improved capability of local
23 operations and maintenance institutions and agencies (in-
24 cluding management and vocational education training),
25 and project-specific maintenance (with territorial partici-

1 pation and cost sharing to be determined by the Secretary
2 based on the individual territory's commitment to timely
3 maintenance of its capital assets): *Provided further*, That
4 any appropriation for disaster assistance under this head
5 in this Act or previous appropriations Acts may be used
6 as non-Federal matching funds for the purpose of hazard
7 mitigation grants provided pursuant to section 404 of the
8 Robert T. Stafford Disaster Relief and Emergency Assist-
9 ance Act (42 U.S.C. 5170e).

10 COMPACT OF FREE ASSOCIATION

11 For economic assistance and necessary expenses for
12 the Federated States of Micronesia and the Republic of
13 the Marshall Islands as provided for in sections 122, 221,
14 223, 232, and 233 of the Compacts of Free Association,
15 and for economic assistance and necessary expenses for
16 the Republic of Palau as provided for in sections 122, 221,
17 223, 232, and 233 of the Compact of Free Association,
18 \$23,538,000, to remain available until expended, as au-
19 thorized by Public Law 99-239 and Public Law 99-658.

20 DEPARTMENTAL MANAGEMENT

21 SALARIES AND EXPENSES

22 For necessary expenses for management of the De-
23 partment of the Interior, \$58,286,000, of which not to ex-
24 ceed \$7,500 may be for official reception and representa-
25 tion expenses, and of which up to \$2,000,000 shall be
26 available for workers compensation payments and unem-

1 ployment compensation payments associated with the or-
2 derly closure of the United States Bureau of Mines.

3 OFFICE OF THE SOLICITOR

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of the Solicitor,
6 \$35,443,000.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Inspector
10 General, \$24,439,000, together with any funds or prop-
11 erty transferred to the Office of Inspector General through
12 forfeiture proceedings or from the Department of Justice
13 Assets Forfeiture Fund or the Department of the Treas-
14 ury Assets Forfeiture Fund, that represent an equitable
15 share from the forfeiture of property in investigations in
16 which the Office of Inspector General participated, with
17 such transferred funds to remain available until expended.

18 NATIONAL INDIAN GAMING COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Indian Gam-
21 ing Commission, pursuant to Public Law 100-497,
22 \$1,000,000.

1 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
2 FEDERAL TRUST PROGRAMS

3 For operation of trust programs for Indians by direct
4 expenditure, contracts, cooperative agreements, compacts,
5 and grants, \$32,126,000, to remain available until ex-
6 pended for trust funds management: *Provided*, That funds
7 made available to tribes and tribal organizations through
8 contracts or grants obligated during fiscal year 1997, as
9 authorized by the Indian Self-Determination Act of 1975
10 (25 U.S.C. 450 et seq.), shall remain available until ex-
11 pended by the contractor or grantee: *Provided further*,
12 That notwithstanding any other provision of law, the stat-
13 ute of limitations shall not commence to run on any claim,
14 including any claim in litigation pending on the date of
15 this Act, concerning losses to or mismanagement of trust
16 funds, until the affected tribe or individual Indian has
17 been furnished with an accounting of such funds from
18 which the beneficiary can determine whether there has
19 been a loss: *Provided further*, That unobligated balances
20 previously made available (1) to liquidate obligations owed
21 tribal and individual Indian payees of any checks canceled
22 pursuant to section 1003 of the Competitive Equality
23 Banking Act of 1987 (Public Law 100-86; 31 U.S.C.
24 3334(b)), (2) to restore Individual Indian Monies trust
25 funds, Indian Irrigation Systems, and Indian Power Sys-

1 tems accounts amounts invested in credit unions or de-
2 faulted savings and loan associations and which where not
3 Federally insured, including any interest on these amounts
4 that may have been earned, but was not because of the
5 default, and (3) to reimburse Indian trust fund account
6 holders for losses to their respective accounts where the
7 claim for said loss has been reduced to a judgement or
8 settlement agreement approved by the Department of Jus-
9 tice, under the heading “Indian Land and Water Claim
10 Settlements and Miscellaneous Payments to Indians”, Bu-
11 reau of Indian Affairs in fiscal years 1995 and 1996, are
12 hereby transferred to and merged with this appropriation
13 and may only be used for the operation of trust programs,
14 in accordance with this appropriation.

15 ADMINISTRATIVE PROVISIONS

16 There is hereby authorized for acquisition from avail-
17 able resources within the Working Capital Fund, 15 air-
18 craft, 10 of which shall be for replacement and which may
19 be obtained by donation, purchase or through available ex-
20 cess surplus property: *Provided*, That notwithstanding any
21 other provision of law, existing aircraft being replaced may
22 be sold, with proceeds derived or trade-in value used to
23 offset the purchase price for the replacement aircraft: *Pro-*
24 *vided further*, That no programs funded with appropriated
25 funds in “Departmental Management”, “Office of the So-

1 licitor”, and “Office of Inspector General” may be aug-
2 mented through the Working Capital Fund or the Consoli-
3 dated Working Fund.

4 GENERAL PROVISIONS, DEPARTMENT OF THE
5 INTERIOR

6 SEC. 101. Appropriations made in this title shall be
7 available for expenditure or transfer (within each bureau
8 or office), with the approval of the Secretary, for the emer-
9 gency reconstruction, replacement, or repair of aircraft,
10 buildings, utilities, or other facilities or equipment dam-
11 aged or destroyed by fire, flood, storm, or other unavoid-
12 able causes: *Provided*, That no funds shall be made avail-
13 able under this authority until funds specifically made
14 available to the Department of the Interior for emer-
15 gencies shall have been exhausted: *Provided further*, That
16 all funds used pursuant to this section are hereby des-
17 ignated by Congress to be “emergency requirements” pur-
18 suant to section 251(b)(2)(D) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985, and must be re-
20 plenished by a supplemental appropriation which must be
21 requested as promptly as possible.

22 SEC. 102. The Secretary may authorize the expendi-
23 ture or transfer of any no year appropriation in this title,
24 in addition to the amounts included in the budget pro-
25 grams of the several agencies, for the suppression or emer-

1 gency prevention of forest or range fires on or threatening
2 lands under the jurisdiction of the Department of the Inte-
3 rior; for the emergency rehabilitation of burned-over lands
4 under its jurisdiction; for emergency actions related to po-
5 tential or actual earthquakes, floods, volcanoes, storms, or
6 other unavoidable causes; for contingency planning subse-
7 quent to actual oilspills; response and natural resource
8 damage assessment activities related to actual oilspills; for
9 the prevention, suppression, and control of actual or po-
10 tential grasshopper and Mormon cricket outbreaks on
11 lands under the jurisdiction of the Secretary, pursuant to
12 the authority in section 1773(b) of Public Law 99–198
13 (99 Stat. 1658); for emergency reclamation projects under
14 section 410 of Public Law 95–87; and shall transfer, from
15 any no year funds available to the Office of Surface Min-
16 ing Reclamation and Enforcement, such funds as may be
17 necessary to permit assumption of regulatory authority in
18 the event a primacy State is not carrying out the regu-
19 latory provisions of the Surface Mining Act: *Provided,*
20 That appropriations made in this title for fire suppression
21 purposes shall be available for the payment of obligations
22 incurred during the preceding fiscal year, and for reim-
23 bursement to other Federal agencies for destruction of ve-
24 hicles, aircraft, or other equipment in connection with
25 their use for fire suppression purposes, such reimburse-

1 ment to be credited to appropriations currently available
2 at the time of receipt thereof: *Provided further*, That for
3 emergency rehabilitation and wildfire suppression activi-
4 ties, no funds shall be made available under this authority
5 until funds appropriated to “Wildland Fire Management”
6 shall have been exhausted: *Provided further*, That all funds
7 used pursuant to this section are hereby designated by
8 Congress to be “emergency requirements” pursuant to
9 section 251(b)(2)(D) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985, and must be replen-
11 ished by a supplemental appropriation which must be re-
12 quested as promptly as possible: *Provided further*, That
13 such replenishment funds shall be used to reimburse, on
14 a pro rata basis, accounts from which emergency funds
15 were transferred.

16 SEC. 103. Appropriations made in this title shall be
17 available for operation of warehouses, garages, shops, and
18 similar facilities, wherever consolidation of activities will
19 contribute to efficiency or economy, and said appropria-
20 tions shall be reimbursed for services rendered to any
21 other activity in the same manner as authorized by sec-
22 tions 1535 and 1536 of title 31, United States Code: *Pro-*
23 *vided*, That reimbursements for costs and supplies, mate-
24 rials, equipment, and for services rendered may be cred-

1 ited to the appropriation current at the time such reim-
2 bursements are received.

3 SEC. 104. Appropriations made to the Department
4 of the Interior in this title shall be available for services
5 as authorized by 5 U.S.C. 3109, when authorized by the
6 Secretary, in total amount not to exceed \$500,000; hire,
7 maintenance, and operation of aircraft; hire of passenger
8 motor vehicles; purchase of reprints; payment for tele-
9 phone service in private residences in the field, when au-
10 thorized under regulations approved by the Secretary; and
11 the payment of dues, when authorized by the Secretary,
12 for library membership in societies or associations which
13 issue publications to members only or at a price to mem-
14 bers lower than to subscribers who are not members.

15 SEC. 105. Appropriations available to the Depart-
16 ment of the Interior for salaries and expenses shall be
17 available for uniforms or allowances therefor, as author-
18 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

19 SEC. 106. Appropriations made in this title shall be
20 available for obligation in connection with contracts issued
21 for services or rentals for periods not in excess of twelve
22 months beginning at any time during the fiscal year.

23 SEC. 107. Prior to the transfer of Presidio properties
24 to the Presidio Trust, when authorized, the Secretary may
25 not obligate in any calendar month more than $\frac{1}{12}$ of the

1 fiscal year 1997 appropriation for operation of the Pre-
2 sidio: *Provided*, That prior to the transfer of any Presidio
3 property to the Presidio Trust, the Secretary shall trans-
4 fer such funds as the Trust deems necessary to initiate
5 leasing and other authorized activities of the Trust: *Pro-*
6 *vided further*, That this section shall expire on December
7 31, 1996.

8 SEC. 108. No final rule or regulation of any agency
9 of the Federal Government pertaining to the recognition,
10 management, or validity of a right-of-way pursuant to Re-
11 vised Statute 2477 (43 U.S.C. 932) shall take effect un-
12 less expressly authorized by an Act of Congress subse-
13 quent to the date of enactment of this Act.

14 SEC. 109. No funds provided in this title may be ex-
15 pended by the Department of the Interior for the conduct
16 of offshore leasing and related activities placed under re-
17 striction in the President's moratorium statement of June
18 26, 1990, in the areas of Northern, Central, and Southern
19 California; the North Atlantic; Washington and Oregon;
20 and the Eastern Gulf of Mexico south of 26 degrees north
21 latitude and east of 86 degrees west longitude.

22 SEC. 110. No funds provided in this title may be ex-
23 pended by the Department of the Interior for the conduct
24 of leasing, or the approval or permitting of any drilling

1 or other exploration activity, on lands within the North
2 Aleutian Basin planning area.

3 SEC. 111. No funds provided in this title may be ex-
4 pended by the Department of the Interior for the conduct
5 of preleasing and leasing activities in the Eastern Gulf of
6 Mexico for Outer Continental Shelf Lease Sale 151 in the
7 Outer Continental Shelf Natural Gas and Oil Resource
8 Management Comprehensive Program, 1992–1997.

9 SEC. 112. No funds provided in this title may be ex-
10 pended by the Department of the Interior for the conduct
11 of preleasing and leasing activities in the Atlantic for
12 Outer Continental Shelf Lease Sale 164 in the Outer Con-
13 tinental Shelf Natural Gas and Oil Resource Management
14 Comprehensive Program, 1992–1997.

15 SEC. 113. There is hereby established in the Treasury
16 a franchise fund pilot, as authorized by section 403 of
17 Public Law 103–356, to be available as provided in such
18 section for costs of capitalizing and operating administra-
19 tive services as the Secretary determines may be per-
20 formed more advantageously as central services: *Provided,*
21 That any inventories, equipment, and other assets pertain-
22 ing to the services to be provided by such fund, either on
23 hand or on order, less the related liabilities or unpaid obli-
24 gations, and any appropriations made prior to the current
25 year for the purpose of providing capital shall be used to

1 capitalize such fund: *Provided further*, That such fund
2 shall be paid in advance from funds available to the De-
3 partment and other Federal agencies for which such cen-
4 tralized services are performed, at rates which will return
5 in full all expenses of operation, including accrued leave,
6 depreciation of fund plant and equipment, amortization of
7 automatic data processing (ADP) software and systems
8 (either acquired or donated) and an amount necessary to
9 maintain a reasonable operating reserve, as determined by
10 the Secretary: *Provided further*, That such fund shall pro-
11 vide services on a competitive basis: *Provided further*, That
12 an amount not to exceed four percent of the total annual
13 income to such fund may be retained in the fund for fiscal
14 year 1997 and each fiscal year thereafter, to remain avail-
15 able until expended, to be used for the acquisition of cap-
16 ital equipment, and for the improvement and implementa-
17 tion of Department financial management, ADP, and
18 other support systems: *Provided further*, That no later
19 than thirty days after the end of each fiscal year amounts
20 in excess of this reserve limitation shall be transferred to
21 the Treasury: *Provided further*, That such franchise fund
22 pilot shall terminate pursuant to section 403(f) of Public
23 Law 103-356.

24 SEC. 114. None of the funds in this Act or any other
25 Act may be used by the Secretary for the redesign of

1 Pennsylvania Avenue in front of the White House without
2 the advance approval of the House and Senate Committees
3 on Appropriations.

4 SEC. 115. Public Law 102–495 is amended by adding
5 the following new section:

6 **“SEC. 10. WASHINGTON STATE REMOVAL OPTION.**

7 “(a) Upon appropriation of \$29,500,000 for the Fed-
8 eral government to acquire the projects in the State of
9 Washington pursuant to this Act, the State of Washington
10 may, upon the submission to Congress of a binding agree-
11 ment to remove the projects within a reasonable period
12 of time, purchase the projects from the Federal govern-
13 ment for \$2. Such a binding agreement shall provide pro-
14 tection of the existing quality and availability of water
15 from the Elwha River for municipal and industrial uses
16 from possible adverse impacts of dam removal.

17 “(b) Upon receipt of the payment pursuant to sub-
18 section (a), the Federal government shall relinquish own-
19 ership and title of the projects to the State of Washington.

20 “(c) Upon the purchase of the projects by the State
21 of Washington, section 3(a), (c), and (d), and Sections 4,
22 7, and 9 of Public Law 102–495 are hereby repealed, and
23 the remaining sections renumbered accordingly.”.

24 SEC. 116. Section 7 of Public Law 99–647 (16
25 U.S.C. 461 note) is amended to read as follows:

1 **“SEC. 7. TERMINATION OF COMMISSION.**

2 “The Commission shall terminate on November 10,
3 1997.”.

4 SEC. 117. The Congress of the United States hereby
5 designates and ratifies the assignment to the University
6 of Utah as successor to, and beneficiary of, all the existing
7 assets, revenues, funds and rights granted to the State
8 of Utah under the Miners Hospital Grant (February 20,
9 1929, 45 Stat. 1252) and the School of Mines Grant (July
10 26, 1894, 28 Stat. 110). Further, the Secretary of the
11 Interior is authorized and directed to accept such relin-
12 quishment of all remaining and un conveyed entitlement
13 for quantity grants owed the State of Utah for the Miners
14 Hospital Grant (February 20, 1929, 45 Stat. 1252) and
15 any un conveyed entitlement that may remain for the Uni-
16 versity of Utah School of Mines Grant (July 26, 1894,
17 28 Stat. 110).

18 SEC. 118. Section 402(b)(1) of The Indian Self-De-
19 termination and Education Assistance Act (25 U.S.C.
20 458bb) is amended to read as follows: “(1) In addition
21 to those Indian tribes participating in self-governance
22 under subsection (a) of this section, the Secretary, acting
23 through the Director of the Office of Self-Governance,
24 may select up to 50 new tribes per year from the applicant
25 pool described in subsection (c) of this section to partici-
26 pate in self-governance.”.

1 SEC. 119. In fiscal year 1997 and thereafter, the In-
2 dian Arts and Crafts Board may charge admission fees
3 at its museums; charge rent and/or franchise fees for
4 shops located in its museums; publish and sell publica-
5 tions; sell or rent or license use of photographs or other
6 images in hard copy or other forms; license the use of de-
7 signs, in whole or in part, by others; charge for consulting
8 services provided to others; and may accept the services
9 of volunteers to carry out its mission: *Provided*, That all
10 revenue derived from such activities is covered into the
11 special fund established by section 4 of Public Law 74-
12 355 (25 U.S.C. 305c).

13 SEC. 120. TRANSFER OF CERTAIN BUREAU OF LAND
14 MANAGEMENT FACILITIES.—

15 (a) BATTLE MOUNTAIN, NEVADA.—Not later
16 than 30 days after the date of enactment of this
17 Act, the Secretary of the Interior, acting through
18 the Director of the Bureau of Land Management,
19 shall transfer to Lander County, Nevada, without
20 consideration, title to the former Bureau of Land
21 Management administrative site and associated
22 buildings in Battle Mountain, Nevada.

23 (b) WINNEMUCCA, NEVADA.—

24 (1) TRANSFER.—Not later than 30 days
25 after the date of enactment of this Act, the Sec-

1 retary of the Interior, acting through the Direc-
2 tor of the Bureau of Land Management, shall
3 transfer to the State of Nevada, without consid-
4 eration, title to the surplus Bureau of Land
5 Management District Office building in
6 Winnemucca, Nevada.

7 (2) USE.—The transfer under paragraph
8 (1) is made with the intent that the building
9 shall be available to meet the needs of the De-
10 partment of Conservation and Natural Re-
11 sources of the State of Nevada.

12 SEC. 121. ALASKA AVIATION HERITAGE.—

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

14 (1) the Department of the Interior’s
15 Grumman Goose G21–A aircraft number N789
16 is to be retired from several decades of active
17 service in the State of Alaska in 1996; and

18 (2) the aircraft is of significant historic
19 value to the people of the State of Alaska.

20 (b) DONATION OF AIRCRAFT.—The Secretary of
21 the Interior shall transfer the Grumman Goose
22 G21–A aircraft number N789 to the Alaska Aviation
23 Heritage Museum in Anchorage, Alaska, at no cost
24 to the museum, for permanent display.

1 SEC. 122. The Mesquite Lands Act of 1988 is amend-
2 ed by adding the following at the end of section 3:

3 “(d) FOURTH AREA.—(1) No later than ten years
4 after the date of enactment of this Act, the City of Mes-
5 quite shall notify the Secretary as to which if any of the
6 public lands identified in paragraph (2) of this subsection
7 the city wishes to purchase.

8 “(2) For a period of twelve years after the date of
9 enactment of this Act, the city shall have exclusive right
10 to purchase the following parcels of public lands:

11 “Parcel A—East $\frac{1}{2}$ Sec. 6, T. 13 S., R. 71 E.,
12 Mount Diablo Meridian; Sec. 5, T. 13 S., R. 71 E.,
13 Mount Diablo Meridian; West $\frac{1}{2}$ Sec. 4, T. 13 S.,
14 R. 71 E, Mount Diablo Meridian; East $\frac{1}{2}$, West $\frac{1}{2}$
15 Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian.

16 “Parcel B—North $\frac{1}{2}$ Sec. 7, T. 13 S., R. 71
17 E., Mount Diablo Meridian; South East $\frac{1}{4}$ Sec. 12,
18 T. 13 S., R. 70 E., Mount Diablo Meridian; East $\frac{1}{2}$
19 North East $\frac{1}{4}$ Sec. 12, T. 13 S., R. 70 E., Mount
20 Diablo Meridian; East $\frac{1}{2}$, West $\frac{1}{2}$ North East $\frac{1}{4}$
21 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian.

22 “Parcel C—West $\frac{1}{2}$ Sec. 6, T. 13 S., R. 71 E.,
23 Mount Diablo Meridian; Sec. 1, T. 13 S., R. 70 E.,
24 Mount Diablo Meridian; West $\frac{1}{2}$, West $\frac{1}{2}$, North
25 East $\frac{1}{4}$ Sec. 12, T. 13 S., R. 70 E., Mount Diablo

1 Meridian; North West $\frac{1}{4}$ Sec. 13, S., R. 70 E.,
 2 Mount Diablo Meridian; West $\frac{1}{2}$ Sec. 12, T. 13 S.,
 3 R. 70 E., Mount Diablo Meridian; East $\frac{1}{2}$, South
 4 East $\frac{1}{4}$, Sec. 11, T. 13 S., R. 70 E., Mount Diablo
 5 Meridian; East $\frac{1}{2}$ North East $\frac{1}{4}$, Sec. 14, T. 13 S.,
 6 R. 70 E., Mount Diablo Meridian.

7 “Parcel D—South $\frac{1}{2}$ Sec. 14, T. 13 S., R. 70
 8 E., Mount Diablo Meridian; South West $\frac{1}{4}$, Sec. 13,
 9 T. 13 S., R. 70 E., Mount Diablo Meridian; Portion
 10 of section 23, North of Interstate 15, T. 13 S., R.
 11 70 E., Mount Diablo Meridian; Portion of section
 12 24, North of Interstate 15, T. 13 S., R. 70 E.,
 13 Mount Diablo Meridian; Portion of section 26,
 14 North of Interstate 15, T. 13 S., R. 70 E., Mount
 15 Diablo Meridian.”

16 **SEC. 123. FATHER AULL SITE TRANSFER.**

17 (a) This section may be cited as the “Father Aull
 18 Site Transfer Act of 1996”.

19 (b) FINDINGS.—Congress finds that—

20 (1) the buildings and grounds developed by Fa-
 21 ther Roger Aull located on public domain land near
 22 Silver City, New Mexico, are historically significant
 23 to the citizens of the community;

24 (2) vandalism at the site has become increas-
 25 ingly destructive and frequent in recent years;

1 (3) because of the isolated location and the dis-
2 tance from other significant resources and agency
3 facilities, the Bureau of Land Management has been
4 unable to devote sufficient resources to restore and
5 protect the site from further damage; and

6 (4) St. Vincent DePaul Parish in Silver City,
7 New Mexico, has indicated an interest in, and devel-
8 oped a sound proposal for the restoration of, the
9 site, such that the site could be permanently occu-
10 pied and used by the community.

11 (c) CONVEYANCE OF PROPERTY.—Subject to valid
12 existing rights, all right, title and interest of the United
13 States in and to the land (including improvements on the
14 land), consisting of approximately 43.06 acres, located ap-
15 proximately 10 miles east of Silver City, New Mexico, and
16 described as follows: T. 17 S., R. 12 W., Section 30: Lot
17 13, and Section 31: Lot 27 (as generally depicted on the
18 map dated July 1995) is hereby conveyed by operation of
19 law to St. Vincent DePaul Parish in Silver City, New Mex-
20 ico, without consideration.

21 (d) RELEASE.—Upon the conveyance of any land or
22 interest in land identified in this section of St. Vincent
23 DePaul Parish, St. Vincent DePaul Parish shall assume
24 any liability for any claim relating to the land or interest
25 in the land arising after the date of the conveyance.

1 (e) MAP.—The map referred to in this section shall
2 be on file and available for public inspection in—

3 (1) the State of New Mexico Office of the Bu-
4 reau of Land Management, Santa Fe, New Mexico;
5 and

6 (2) the Las Cruces District Office of the Bu-
7 reau of Land Management, Las Cruces, New Mex-
8 ico.

9 SEC. 124. The second proviso under the heading
10 “Bureau of Mines, Administrative Provisions” of Public
11 Law 104–134 is amended by inserting after the word “au-
12 thorized” the word “hereafter”.

13 SEC. 125. Watershed Restoration and Enhancement
14 Agreements.

15 (a) IN GENERAL.—For fiscal year 1997 and
16 each fiscal year thereafter, appropriations made for
17 the Bureau of Land Management may be used by
18 the Secretary of the Interior for the purpose of en-
19 tering into cooperative agreements with willing pri-
20 vate landowners for restoration and enhancement of
21 fish, wildlife, and other biotic resources on public or
22 private land or both that benefit these resources on
23 public lands within the watershed.

24 (b) DIRECT AND INDIRECT WATERSHED AGREE-
25 MENTS.—The Secretary of the Interior may enter

1 into a watershed restoration and enhancement
2 agreement—

3 (1) directly with a willing private land-
4 owner; or

5 (2) indirectly through an agreement with a
6 State, local, or tribal government or other pub-
7 lic entity, educational institution, or private
8 nonprofit organization.

9 (c) TERMS AND CONDITIONS.—In order for the
10 Secretary to enter into a watershed restoration and
11 enhancement agreement—

12 (1) the agreement shall—

13 (A) include such terms and conditions
14 mutually agreed to by the Secretary and
15 the landowner;

16 (B) improve the viability of and other-
17 wise benefit the fish, wildlife, and other bi-
18 otic resources on public land in the water-
19 shed;

20 (C) authorize the provision of tech-
21 nical assistance by the Secretary in the
22 planning of management activities that will
23 further the purposes of the agreement;

24 (D) provide for the sharing of costs of
25 implementing the agreement among the

1 Federal Government, the landowner, and
2 other entities, as mutually agreed on by
3 the affected interests; and

4 (E) ensure that any expenditure by
5 the Secretary pursuant to the agreement is
6 determined by the Secretary to be in the
7 public interest; and

8 (2) the Secretary may require such other
9 terms and conditions as are necessary to pro-
10 tect the public investment on private lands, pro-
11 vided such terms and conditions are mutually
12 agreed to by the Secretary and the landowner.

13 SEC. 126. Visitor Center Designation at Channel Is-
14 lands National Park.

15 (a) The visitor center at Channel Islands National
16 Park, California, is hereby designated as the “Rob-
17 ert J. Lagomarsino Visitor Center”.

18 (b) Any reference in law, regulation, paper,
19 record, map, or any other document in the United
20 States to the visitor center referred to in subsection
21 (a) shall be deemed to be a reference to the “Robert
22 J. Lagomarsino Visitor Center”.

1 TITLE II—RELATED AGENCIES

2 DEPARTMENT OF AGRICULTURE

3 FOREST SERVICE

4 FOREST AND RANGELAND RESEARCH

5 For necessary expenses of forest and rangeland re-
6 search as authorized by law, \$179,786,000, to remain
7 available until expended.

8 STATE AND PRIVATE FORESTRY

9 For necessary expenses of cooperating with, and pro-
10 viding technical and financial assistance to States, Terri-
11 tories, possessions, and others and for forest pest manage-
12 ment activities, cooperative forestry and education and
13 land conservation activities, \$154,711,000 to remain avail-
14 able until expended, as authorized by law.

15 NATIONAL FOREST SYSTEM

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, for management, protection, im-
18 provement, and utilization of the National Forest System,
19 for ecosystem planning, inventory, and monitoring, and for
20 administrative expenses associated with the management
21 of funds provided under the heads “Forest and Rangeland
22 Research,” “State and Private Forestry,” “National For-
23 est System,” “Wildland Fire Management,” “Reconstruc-
24 tion and Construction,” and “Land Acquisition,”
25 \$1,274,031,000 to remain available until expended, and

1 including 50 per centum of all monies received during the
2 prior fiscal year as fees collected under the Land and
3 Water Conservation Fund Act of 1965, as amended, in
4 accordance with section 4 of the Act (16 U.S.C. 4601–
5 6a(i)): *Provided*, That up to \$5,000,000 of the funds pro-
6 vided herein for road maintenance shall be available for
7 the planned obliteration of roads which are no longer
8 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 such lands or other
13 lands under fire protection agreement, and for emergency
14 rehabilitation of burned over National Forest System
15 lands, \$530,016,000, to remain available until expended:
16 *Provided*, That unexpended balances of amounts pre-
17 viously appropriated under any other headings for Forest
18 Service fire activities are transferred to and merged with
19 this appropriation and subject to the same terms and con-
20 ditions: *Provided further*, That such funds are available
21 for repayment of advances from other appropriations ac-
22 counts previously transferred for such purposes.

23 RECONSTRUCTION AND CONSTRUCTION

24 For necessary expenses of the Forest Service, not
25 otherwise provided for, \$174,974,000, to remain available
26 until expended for construction, reconstruction and acqui-

1 sition of buildings and other facilities, and for construc-
2 tion, reconstruction and repair of forest roads and trails
3 by the Forest Service as authorized by 16 U.S.C. 532–
4 538 and 23 U.S.C. 101 and 205: *Provided*, That not to
5 exceed \$50,000,000, to remain available until expended,
6 may be obligated for the construction of forest roads by
7 timber purchasers: *Provided further*, That funds appro-
8 priated under this head for the construction of the Wayne
9 National Forest Supervisor’s Office may be granted to the
10 Ohio State Highway Patrol as the federal share of the cost
11 of construction of a new facility to be occupied jointly by
12 the Forest Service and the Ohio State Highway Patrol:
13 *Provided further*, That an agreed upon lease of space in
14 the new facility shall be provided to the Forest Service
15 without charge for the life of the building.

16 LAND ACQUISITION

17 For expenses necessary to carry out the provisions
18 of the Land and Water Conservation Fund Act of 1965,
19 as amended (16 U.S.C. 4601–4–11), including adminis-
20 trative expenses, and for acquisition of land or waters, or
21 interest therein, in accordance with statutory authority
22 applicable to the Forest Service, \$40,575,000, to be de-
23 rived from the Land and Water Conservation Fund, to
24 remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS

3 For acquisition of lands within the exterior bound-
4 aries of the Cache, Uinta, and Wasatch National Forests,
5 Utah; the Toiyabe National Forest, Nevada; and the An-
6 geles, San Bernardino, Sequoia, and Cleveland National
7 Forests, California, as authorized by law, \$1,069,000, to
8 be derived from forest receipts.

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

10 For acquisition of lands, such sums, to be derived
11 from funds deposited by State, county, or municipal gov-
12 ernments, public school districts, or other public school au-
13 thorities pursuant to the Act of December 4, 1967, as
14 amended (16 U.S.C. 484a), to remain available until ex-
15 pended.

16 RANGE BETTERMENT FUND

17 For necessary expenses of range rehabilitation, pro-
18 tection, and improvement, 50 per centum of all moneys
19 received during the prior fiscal year, as fees for grazing
20 domestic livestock on lands in National Forests in the six-
21 teen Western States, pursuant to section 401(b)(1) of
22 Public Law 94-579, as amended, to remain available until
23 expended, of which not to exceed 6 per centum shall be
24 available for administrative expenses associated with on-

1 the-ground range rehabilitation, protection, and improve-
2 ments.

3 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
4 RANGELAND RESEARCH

5 For expenses authorized by 16 U.S.C. 1643(b),
6 \$92,000, to remain available until expended, to be derived
7 from the fund established pursuant to the above Act.

8 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

9 Appropriations to the Forest Service for the current
10 fiscal year shall be available for: (a) purchase of not to
11 exceed 159 passenger motor vehicles of which 14 will be
12 used primarily for law enforcement purposes and of which
13 149 shall be for replacement; acquisition of 10 passenger
14 motor vehicles from excess sources, and hire of such vehi-
15 cles; operation and maintenance of aircraft, the purchase
16 of not to exceed two for replacement only, and acquisition
17 of 20 aircraft from excess sources; notwithstanding other
18 provisions of law, existing aircraft being replaced may be
19 sold, with proceeds derived or trade-in value used to offset
20 the purchase price for the replacement aircraft; (b) serv-
21 ices pursuant to 7 U.S.C. 2225, and not to exceed
22 \$100,000 for employment under 5 U.S.C. 3109; (c) pur-
23 chase, erection, and alteration of buildings and other pub-
24 lic improvements (7 U.S.C. 2250); (d) acquisition of land,
25 waters, and interests therein, pursuant to 7 U.S.C. 428a;

1 (e) for expenses pursuant to the Volunteers in the Na-
2 tional Forest Act of 1972 (16 U.S.C 558a, 558d, 558a
3 note); and (f) for debt collection contracts in accordance
4 with 31 U.S.C. 3718(c).

5 None of the funds made available under this Act shall
6 be obligated or expended to change the boundaries of any
7 region, to abolish any region, to move or close any regional
8 office for research, State and private forestry, or National
9 Forest System administration of the Forest Service, De-
10 partment of Agriculture, or to implement any reorganiza-
11 tion, “reinvention” or other type of organizational restruc-
12 turing of the Forest Service, other than the relocation of
13 the Regional Office for Region 5 of the Forest Service
14 from San Francisco to excess military property at Mare
15 Island, Vallejo, California, without the consent of the
16 House and Senate Committees on Appropriations.

17 Any funds available to the Forest Service may be
18 used for retrofitting Mare Island facilities to accommodate
19 the relocation: *Provided*, That funds for the move must
20 come from funds otherwise available to Region 5: *Provided*
21 *further*, That any funds to be provided for such purposes
22 shall only be available upon approval of the House and
23 Senate Committees on Appropriations.

24 Any appropriations or funds available to the Forest
25 Service may be advanced to the Wildland Fire Manage-

1 ment appropriation and may be used for forest firefighting
2 and the emergency rehabilitation of burned-over lands
3 under its jurisdiction.

4 Funds appropriated to the Forest Service shall be
5 available for assistance to or through the Agency for Inter-
6 national Development and the Foreign Agricultural Serv-
7 ice in connection with forest and rangeland research, tech-
8 nical information, and assistance in foreign countries, and
9 shall be available to support forestry and related natural
10 resource activities outside the United States and its terri-
11 tories and possessions, including technical assistance, edu-
12 cation and training, and cooperation with United States
13 and international organizations.

14 None of the funds made available to the Forest Serv-
15 ice under this Act shall be subject to transfer under the
16 provisions of section 702(b) of the Department of Agri-
17 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C
18 147b unless the proposed transfer is approved in advance
19 by the House and Senate Committees on Appropriations
20 in compliance with the reprogramming procedures con-
21 tained in House Report 103-551.

22 None of the funds available to the Forest Service may
23 be reprogrammed without the advance approval of the
24 House and Senate Committees on Appropriations in ac-

1 cordance with the procedures contained in House Report
2 103–551.

3 No funds appropriated to the Forest Service shall be
4 transferred to the Working Capital Fund of the Depart-
5 ment of Agriculture without the approval of the Chief of
6 the Forest Service.

7 Notwithstanding any other provision of the law, any
8 appropriations or funds available to the Forest Service
9 may be used to disseminate program information to pri-
10 vate and public individuals and organizations through the
11 use of nonmonetary items of nominal value and to provide
12 nonmonetary awards of nominal value and to incur nec-
13 essary expenses for the nonmonetary recognition of private
14 individuals and organizations that make contributions to
15 Forest Service programs.

16 Notwithstanding any other provision of law, money
17 collected, in advance or otherwise, by the Forest Service
18 under authority of section 101 of Public Law 93–153 (30
19 U.S.C. 185(1)) as reimbursement of administrative and
20 other costs incurred in processing pipeline right-of-way or
21 permit applications and for costs incurred in monitoring
22 the construction, operation, maintenance, and termination
23 of any pipeline and related facilities, may be used to reim-
24 burse the applicable appropriation to which such costs
25 were originally charged.

1 Funds available to the Forest Service shall be avail-
2 able to conduct a program of not less than \$1,000,000
3 for high priority projects within the scope of the approved
4 budget which shall be carried out by the Youth Conserva-
5 tion Corps as authorized by the Act of August 13, 1970,
6 as amended by Public Law 93-408.

7 None of the funds available in this Act shall be used
8 for timber sale preparation using clearcutting in hardwood
9 stands in excess of 25 percent of the fiscal year 1989 har-
10 vested volume in the Wayne National Forest, Ohio: *Pro-*
11 *vided*, That this limitation shall not apply to hardwood
12 stands damaged by natural disaster: *Provided further*,
13 That landscape architects shall be used to maintain a vis-
14 ually pleasing forest.

15 Any money collected from the States for fire suppres-
16 sion assistance rendered by the Forest Service on non-
17 Federal lands not in the vicinity of National Forest Sys-
18 tem lands shall be used to reimburse the applicable appro-
19 priation and shall remain available until expended as the
20 Secretary may direct in conducting activities authorized
21 by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

22 Of the funds available to the Forest Service, \$1,500
23 is available to the Chief of the Forest Service for official
24 reception and representation expenses.

1 Notwithstanding any other provision of law, the For-
2 est Service is authorized to employ or otherwise contract
3 with persons at regular rates of pay, as determined by the
4 Service, to perform work occasioned by emergencies such
5 as fires, storms, floods, earthquakes or any other unavoid-
6 able cause without regard to Sundays, Federal holidays,
7 and the regular workweek.

8 To the greatest extent possible, and in accordance
9 with the Final Amendment to the Shawnee National For-
10 est Plan, none of the funds available in this Act shall be
11 used for preparation of timber sales using clearcutting or
12 other forms of even aged management in hardwood stands
13 in the Shawnee National Forest, Illinois.

14 Pursuant to sections 405(b) and 410(b) of Public
15 Law 101-593, funds up to \$1,000,000 for matching funds
16 shall be available for the National Forest Foundation on
17 a one-for-one basis to match private contributions for
18 projects on or benefitting National Forest System lands
19 or related to Forest Service programs.

20 Pursuant to section 2(b)(2) of Public Law 98-244,
21 up to \$1,000,000 of the funds available to the Forest
22 Service shall be available for matching funds, as author-
23 ized in 16 U.S.C. 3701-3709, on a one-for-one basis to
24 match private contributions for projects on or benefitting

1 National Forest System lands or related to Forest Service
2 programs.

3 Funds appropriated to the Forest Service shall be
4 available for interactions with and providing technical as-
5 sistance to rural communities for sustainable rural devel-
6 opment purposes.

7 Notwithstanding any other provision of law, 80 per-
8 cent of the funds appropriated to the Forest Service in
9 the National Forest System and Construction accounts
10 and planned to be allocated to activities under the “Jobs
11 in the Woods” program for projects on National Forest
12 land in the State of Washington may be granted directly
13 to the Washington State Department of Fish and Wildlife
14 for accomplishment of planned projects. Twenty percent
15 of said funds shall be retained by the Forest Service for
16 planning and administering projects. Project selection and
17 prioritization shall be accomplished by the Forest Service
18 with such consultation with the State of Washington as
19 the Forest Service deems appropriate.

20 Funds appropriated to the Forest Service shall be
21 available for payments to counties within the Columbia
22 River Gorge National Scenic Area, pursuant to sections
23 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
24 663.

1 The Secretary of Agriculture shall by March 31, 1997
2 report to the Committees on Appropriations of the House
3 of Representatives and the Senate on the status and dis-
4 position of all salvage timber sales started under the au-
5 thority of Section 2001 of Public Law 104–19 and subse-
6 quently withdrawn or delayed and completed under dif-
7 ferent authorities as a consequence of the July 2, 1996
8 directive on the implementation of Section 2001 issued by
9 the Secretary.

10 The Pacific Northwest Research Station Silviculture
11 Laboratory in Bend, Oregon is hereby named the Robert
12 W. Chandler Building.

13 For purposes of the Southeast Alaska Economic Dis-
14 aster Fund as set forth in section 101(c) of Public Law
15 104–134, the direct grants provided in subsection (c) shall
16 be considered direct payments for purposes of all applica-
17 ble law.

18 No Employee of the Department of Agriculture may
19 be detailed or assigned from an agency or office funded
20 by this Act to any other agency or office of the Depart-
21 ment for more than 30 days unless the individual’s em-
22 ploying agency or office is fully reimbursed by the receiv-
23 ing agency or office for the salary and expenses of the
24 employee for the period of assignment.

1 DEPARTMENT OF ENERGY

2 CLEAN COAL TECHNOLOGY

3 (RESCISSION)

4 Of the funds made available under this heading for
5 obligation in fiscal year 1997 or prior years, \$123,000,000
6 are rescinded: *Provided*, That funds made available in pre-
7 vious appropriations Acts shall be available for any ongo-
8 ing project regardless of the separate request for proposal
9 under which the project was selected.

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For necessary expenses in carrying out fossil energy
12 research and development activities, under the authority
13 of the Department of Energy Organization Act (Public
14 Law 95–91), including the acquisition of interest, includ-
15 ing defeasible and equitable interests in any real property
16 or any facility or for plant or facility acquisition or expan-
17 sion, and for conducting inquiries, technological investiga-
18 tions and research concerning the extraction, processing,
19 use, and disposal of mineral substances without objection-
20 able social and environmental costs (30 U.S.C. 3, 1602,
21 and 1603), performed under the minerals and materials
22 science programs at the Albany Research Center in Or-
23 egon, \$364,704,000, to remain available until expended:
24 *Provided*, That no part of the sum herein made available
25 shall be used for the field testing of nuclear explosives in
26 the recovery of oil and gas.

1 ALTERNATIVE FUELS PRODUCTION

2 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

3 Monies received as investment income on the prin-
4 cipal amount in the Great Plains Project Trust at the
5 Norwest Bank of North Dakota, in such sums as are
6 earned as of October 1, 1996, shall be deposited in this
7 account and immediately transferred to the General Fund
8 of the Treasury. Monies received as revenue sharing from
9 the operation of the Great Plains Gasification Plant shall
10 be immediately transferred to the General Fund of the
11 Treasury. Funds are hereby rescinded in the amount of
12 \$2,500,000 from unobligated balances under this head.

13 NAVAL PETROLEUM AND OIL SHALE RESERVES

14 For necessary expenses in carrying out naval petro-
15 leum and oil shale reserve activities, \$143,786,000, to re-
16 main available until expended: *Provided*, That the require-
17 ments of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal
18 year 1997.

19 ENERGY CONSERVATION

20 For necessary expenses in carrying out energy con-
21 servation activities, \$550,000,000, to remain available
22 until expended, including, notwithstanding any other pro-
23 vision of law, the excess amount for fiscal year 1997 deter-
24 mined under the provisions of section 3003(d) of Public
25 Law 99-509 (15 U.S.C. 4502): *Provided*, That

1 \$145,845,000 shall be for use in energy conservation pro-
2 grams as defined in section 3008(3) of Public Law 99-
3 509 (15 U.S.C. 4507) and shall not be available until ex-
4 cess amounts are determined under the provisions of sec-
5 tion 3003(d) of Public Law 99-509 (15 U.S.C. 4502):
6 *Provided further*, That notwithstanding section 3003(d)(2)
7 of Public Law 99-509 such sums shall be allocated to the
8 eligible programs as follows: \$117,845,000 for weatheriza-
9 tion assistance grants and \$28,000,000 for State energy
10 conservation grants.

11 ECONOMIC REGULATION

12 For necessary expenses in carrying out the activities
13 of the Office of Hearing and Appeals, \$2,725,000, to re-
14 main available until expended.

15 STRATEGIC PETROLEUM RESERVE

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses for Strategic Petroleum Re-
18 serve facility development and operations and program
19 management activities pursuant to the Energy Policy and
20 Conservation Act of 1975, as amended (42 U.S.C. 6201
21 et seq.), \$220,000,000, to remain available until expended,
22 of which \$220,000,000 shall be repaid from the “SPR Op-
23 erating Fund” from amounts made available from the sale
24 of oil from the Reserve: *Provided*, That notwithstanding
25 section 161 of the Energy Policy and Conservation Act,

1 the Secretary shall draw down and sell in fiscal year 1997
2 \$220,000,000 worth of oil from the Strategic Petroleum
3 Reserve: *Provided further*, That the proceeds from the sale
4 shall be deposited into a special account in the Treasury,
5 to be established and known as the “SPR Operating
6 Fund”, and shall, upon receipt, be transferred to the Stra-
7 tegic Petroleum Reserve account for operations of the
8 Strategic Petroleum Reserve.

9 SPR PETROLEUM ACCOUNT

10 Notwithstanding 42 U.S.C. 6240(d) the United
11 States share of crude oil in Naval Petroleum Reserve
12 Numbered 1 (Elk Hills) may be sold or otherwise disposed
13 of to other than the Strategic Petroleum Reserve: *Pro-*
14 *vided*, That outlays in fiscal year 1997 resulting from the
15 use of funds in this account shall not exceed \$5,000,000.

16 ENERGY INFORMATION ADMINISTRATION

17 For necessary expenses in carrying out the activities
18 of the Energy Information Administration, \$66,120,000
19 to remain available until expended.

20 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

21 Appropriations under this Act for the current fiscal
22 year shall be available for hire of passenger motor vehicles;
23 hire, maintenance, and operation of aircraft; purchase, re-
24 pair, and cleaning of uniforms; and reimbursement to the

1 General Services Administration for security guard serv-
2 ices.

3 From appropriations under this Act, transfers of
4 sums may be made to other agencies of the Government
5 for the performance of work for which the appropriation
6 is made.

7 None of the funds made available to the Department
8 of Energy under this Act shall be used to implement or
9 finance authorized price support or loan guarantee pro-
10 grams unless specific provision is made for such programs
11 in an appropriations Act.

12 The Secretary is authorized to accept lands, build-
13 ings, equipment, and other contributions from public and
14 private sources and to prosecute projects in cooperation
15 with other agencies, Federal, State, private or foreign:
16 *Provided*, That revenues and other moneys received by or
17 for the account of the Department of Energy or otherwise
18 generated by sale of products in connection with projects
19 of the Department appropriated under this Act may be
20 retained by the Secretary of Energy, to be available until
21 expended, and used only for plant construction, operation,
22 costs, and payments to cost-sharing entities as provided
23 in appropriate cost-sharing contracts or agreements: *Pro-*
24 *vided further*, That the remainder of revenues after the
25 making of such payments shall be covered into the Treas-

1 ury as miscellaneous receipts: *Provided further*, That any
2 contract, agreement, or provision thereof entered into by
3 the Secretary pursuant to this authority shall not be exe-
4 cuted prior to the expiration of 30 calendar days (not in-
5 cluding any day in which either House of Congress is not
6 in session because of adjournment of more than three cal-
7 endar days to a day certain) from the receipt by the
8 Speaker of the House of Representatives and the Presi-
9 dent of the Senate of a full comprehensive report on such
10 project, including the facts and circumstances relied upon
11 in support of the proposed project.

12 No funds provided in this Act may be expended by
13 the Department of Energy to prepare, issue, or process
14 procurement documents for programs or projects for
15 which appropriations have not been made.

16 In addition to other authorities set forth in this Act,
17 the Secretary may accept fees and contributions from pub-
18 lic and private sources, to be deposited in a contributed
19 funds account, and prosecute projects using such fees and
20 contributions in cooperation with other Federal, State or
21 private agencies or concerns.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$1,806,269,000, to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) for services furnished by the
12 Indian Health Service: *Provided*, That funds made avail-
13 able to tribes and tribal organizations through contracts,
14 grant agreements, or any other agreements or compacts
15 authorized by the Indian Self-Determination and Edu-
16 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
17 deemed to be obligated at the time of the grant or contract
18 award and thereafter shall remain available to the tribe
19 or tribal organization without fiscal year limitation: *Pro-*
20 *vided further*, That \$12,000,000 shall remain available
21 until expended, for the Indian Catastrophic Health Emer-
22 gency Fund: *Provided further*, That \$356,325,000 for con-
23 tract medical care shall remain available for obligation
24 until September 30, 1998: *Provided further*, That of the
25 funds provided, not less than \$11,706,000 shall be used

1 to carry out the loan repayment program under section
2 108 of the Indian Health Care Improvement Act: *Provided*
3 *further*, That funds provided in this Act may be used for
4 one-year contracts and grants which are to be performed
5 in two fiscal years, so long as the total obligation is re-
6 corded in the year for which the funds are appropriated:
7 *Provided further*, That the amounts collected by the Sec-
8 retary of Health and Human Services under the authority
9 of title IV of the Indian Health Care Improvement Act
10 shall remain available until expended for the purpose of
11 achieving compliance with the applicable conditions and
12 requirements of titles XVIII and XIX of the Social Secu-
13 rity Act (exclusive of planning, design, or construction of
14 new facilities): *Provided further*, That of the funds pro-
15 vided, \$7,500,000 shall remain available until expended,
16 for the Indian Self-Determination Fund, which shall be
17 available for the transitional costs of initial or expanded
18 tribal contracts, compacts, grants or cooperative agree-
19 ments with the Indian Health Service under the provisions
20 of the Indian Self-Determination Act: *Provided further*,
21 That funding contained herein, and in any earlier appro-
22 priations Acts for scholarship programs under the Indian
23 Health Care Improvement Act (25 U.S.C. 1613) shall re-
24 main available for obligation until September 30, 1998:
25 *Provided further*, That amounts received by tribes and

1 tribal organizations under title IV of the Indian Health
2 Care Improvement Act shall be reported and accounted
3 for and available to the receiving tribes and tribal organi-
4 zations until expended.

5 INDIAN HEALTH FACILITIES

6 For construction, repair, maintenance, improvement,
7 and equipment of health and related auxiliary facilities,
8 including quarters for personnel; preparation of plans,
9 specifications, and drawings; acquisition of sites, purchase
10 and erection of modular buildings, and purchases of trail-
11 ers; and for provision of domestic and community sanita-
12 tion facilities for Indians, as authorized by section 7 of
13 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
14 Self-Determination Act, and the Indian Health Care Im-
15 provement Act, and for expenses necessary to carry out
16 such Acts and titles II and III of the Public Health Serv-
17 ice Act with respect to environmental health and facilities
18 support activities of the Indian Health Service,
19 \$247,731,000, to remain available until expended: *Pro-*
20 *vided*, That notwithstanding any other provision of law,
21 funds appropriated for the planning, design, construction
22 or renovation of health facilities for the benefit of an In-
23 dian tribe or tribes may be used to purchase land for sites
24 to construct, improve, or enlarge health or related facili-
25 ties.

1 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

2 Appropriations in this Act to the Indian Health Serv-
3 ice shall be available for services as authorized by 5 U.S.C.
4 3109 but at rates not to exceed the per diem rate equiva-
5 lent to the maximum rate payable for senior-level positions
6 under 5 U.S.C. 5376; hire of passenger motor vehicles and
7 aircraft; purchase of medical equipment; purchase of re-
8 prints; purchase, renovation and erection of modular
9 buildings and renovation of existing facilities; payments
10 for telephone service in private residences in the field,
11 when authorized under regulations approved by the Sec-
12 retary; and for uniforms or allowances therefore as au-
13 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
14 tendance at meetings which are concerned with the func-
15 tions or activities for which the appropriation is made or
16 which will contribute to improved conduct, supervision, or
17 management of those functions or activities: *Provided,*
18 That in accordance with the provisions of the Indian
19 Health Care Improvement Act, non-Indian patients may
20 be extended health care at all tribally administered or In-
21 dian Health Service facilities, subject to charges, and the
22 proceeds along with funds recovered under the Federal
23 Medical Care Recovery Act (42 U.S.C. 2651–53) shall be
24 credited to the account of the facility providing the service
25 and shall be available without fiscal year limitation: *Pro-*

1 *vided further*, That notwithstanding any other law or regu-
2 lation, funds transferred from the Department of Housing
3 and Urban Development to the Indian Health Service
4 shall be administered under Public Law 86–121 (the In-
5 dian Sanitation Facilities Act) and Public Law 93–638,
6 as amended: *Provided further*, That funds appropriated to
7 the Indian Health Service in this Act, except those used
8 for administrative and program direction purposes, shall
9 not be subject to limitations directed at curtailing Federal
10 travel and transportation: *Provided further*, That notwith-
11 standing any other provision of law, funds previously or
12 herein made available to a tribe or tribal organization
13 through a contract, grant, or agreement authorized by
14 title I or title III of the Indian Self-Determination and
15 Education Assistance Act of 1975 (25 U.S.C. 450), may
16 be deobligated and reobligated to a self-determination con-
17 tract under title I, or a self-governance agreement under
18 title III of such Act and thereafter shall remain available
19 to the tribe or tribal organization without fiscal year limi-
20 tation: *Provided further*, That none of the funds made
21 available to the Indian Health Service in this Act shall
22 be used to implement the final rule published in the Fed-
23 eral Register on September 16, 1987, by the Department
24 of Health and Human Services, relating to the eligibility
25 for the health care services of the Indian Health Service

1 until the Indian Health Service has submitted a budget
2 request reflecting the increased costs associated with the
3 proposed final rule, and such request has been included
4 in an appropriations Act and enacted into law: *Provided*
5 *further*, That funds made available in this Act are to be
6 apportioned to the Indian Health Service as appropriated
7 in this Act, and accounted for in the appropriation struc-
8 ture set forth in this Act: *Provided further*, That funds
9 received from any source, including tribal contractors and
10 compactors for previously transferred functions which
11 tribal contractors and compactors no longer wish to retain,
12 for services, goods, or training and technical assistance,
13 shall be retained by the Indian Health Service and shall
14 remain available until expended by the Indian Health
15 Service: *Provided further*, That reimbursements for train-
16 ing, technical assistance, or services provided by the In-
17 dian Health Service will contain total costs, including di-
18 rect, administrative, and overhead associated with the pro-
19 vision of goods, services, or technical assistance: *Provided*
20 *further*, That the appropriation structure for the Indian
21 Health Service may not be altered without advance ap-
22 proval of the House and Senate Committees on Appropria-
23 tions.

1 DEPARTMENT OF EDUCATION

2 OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

3 INDIAN EDUCATION

4 For necessary expenses to carry out, to the extent
5 not otherwise provided, title IX, part A of the Elementary
6 and Secondary Education Act of 1965, as amended, and
7 section 215 of the Department of Education Organization
8 Act, \$61,000,000.

9 OTHER RELATED AGENCIES

10 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Navajo and
13 Hopi Indian Relocation as authorized by Public Law 93–
14 531, \$19,345,000, to remain available until expended:
15 *Provided*, That funds provided in this or any other appro-
16 priations Act are to be used to relocate eligible individuals
17 and groups including evictees from District 6, Hopi-parti-
18 tioned lands residents, those in significantly substandard
19 housing, and all others certified as eligible and not in-
20 cluded in the preceding categories: *Provided further*, That
21 none of the funds contained in this or any other Act may
22 be used by the Office of Navajo and Hopi Indian Reloca-
23 tion to evict any single Navajo or Navajo family who, as
24 of November 30, 1985, was physically domiciled on the
25 lands partitioned to the Hopi Tribe unless a new or re-

1 placement home is provided for such household: *Provided*
 2 *further*, That no relocatee will be provided with more than
 3 one new or replacement home: *Provided further*, That the
 4 Office shall relocate any certified eligible relocatees who
 5 have selected and received an approved homesite on the
 6 Navajo reservation or selected a replacement residence off
 7 the Navajo reservation or on the land acquired pursuant
 8 to 25 U.S.C. 640d–10.

9 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 10 CULTURE AND ARTS DEVELOPMENT

11 PAYMENT TO THE INSTITUTE

12 For payment to the Institute of American Indian and
 13 Alaska Native Culture and Arts Development, as author-
 14 ized by title XV of Public Law 99–498, as amended (20
 15 U.S.C. 56, part A), \$5,500,000.

16 SMITHSONIAN INSTITUTION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Smithsonian Institu-
 19 tion, as authorized by law, including research in the fields
 20 of art, science, and history; development, preservation, and
 21 documentation of the National Collections; presentation of
 22 public exhibits and performances; collection, preparation,
 23 dissemination, and exchange of information and publica-
 24 tions; conduct of education, training, and museum assist-
 25 ance programs; maintenance, alteration, operation, lease

1 (for terms not to exceed thirty years), and protection of
2 buildings, facilities, and approaches; not to exceed
3 \$100,000 for services as authorized by 5 U.S.C. 3109; up
4 to 5 replacement passenger vehicles; purchase, rental, re-
5 pair, and cleaning of uniforms for employees;
6 \$317,557,000, of which not to exceed \$30,665,000 for the
7 instrumentation program, collections acquisition, Museum
8 Support Center equipment and move, exhibition reinstalla-
9 tion, the National Museum of the American Indian, the
10 repatriation of skeletal remains program, research equip-
11 ment, information management, and Latino programming
12 shall remain available until expended, and including such
13 funds as may be necessary to support American overseas
14 research centers and a total of \$125,000 for the Council
15 of American Overseas Research Centers: *Provided*, That
16 funds appropriated herein are available for advance pay-
17 ments to independent contractors performing research
18 services or participating in official Smithsonian presen-
19 tations.

20 CONSTRUCTION AND IMPROVEMENTS, NATIONAL
21 ZOOLOGICAL PARK

22 For necessary expenses of planning, construction, re-
23 modeling, and equipping of buildings and facilities at the
24 National Zoological Park, by contract or otherwise,
25 \$3,850,000, to remain available until expended.

1 REPAIR AND RESTORATION OF BUILDINGS

2 For necessary expenses of repair and restoration of
3 buildings owned or occupied by the Smithsonian Institu-
4 tion, by contract or otherwise, as authorized by section
5 2 of the Act of August 22, 1949 (63 Stat. 623), including
6 not to exceed \$10,000 for services as authorized by 5
7 U.S.C. 3109, \$39,000,000, to remain available until ex-
8 pended: *Provided*, That contracts awarded for environ-
9 mental systems, protection systems, and exterior repair or
10 restoration of buildings of the Smithsonian Institution
11 may be negotiated with selected contractors and awarded
12 on the basis of contractor qualifications as well as price.

13 CONSTRUCTION

14 For necessary expenses for construction,
15 \$10,000,000, to remain available until expended.

16 NATIONAL GALLERY OF ART

17 SALARIES AND EXPENSES

18 For the upkeep and operations of the National Gal-
19 lery of Art, the protection and care of the works of art
20 therein, and administrative expenses incident thereto, as
21 authorized by the Act of March 24, 1937 (50 Stat. 51),
22 as amended by the public resolution of April 13, 1939
23 (Public Resolution 9, Seventy-sixth Congress), including
24 services as authorized by 5 U.S.C. 3109; payment in ad-
25 vance when authorized by the treasurer of the Gallery for

1 membership in library, museum, and art associations or
2 societies whose publications or services are available to
3 members only, or to members at a price lower than to the
4 general public; purchase, repair, and cleaning of uniforms
5 for guards, and uniforms, or allowances therefor, for other
6 employees as authorized by law (5 U.S.C. 5901–5902);
7 purchase or rental of devices and services for protecting
8 buildings and contents thereof, and maintenance, alter-
9 ation, improvement, and repair of buildings, approaches,
10 and grounds; and purchase of services for restoration and
11 repair of works of art for the National Gallery of Art by
12 contracts made, without advertising, with individuals,
13 firms, or organizations at such rates or prices and under
14 such terms and conditions as the Gallery may deem prop-
15 er, \$53,899,000, of which not to exceed \$3,026,000 for
16 the special exhibition program shall remain available until
17 expended.

18 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

19 For necessary expenses of repair, restoration and
20 renovation of buildings, grounds and facilities owned or
21 occupied by the National Gallery of Art, by contract or
22 otherwise, as authorized, \$5,942,000, to remain available
23 until expended: *Provided*, That contracts awarded for envi-
24 ronmental systems, protection systems, and exterior repair
25 or renovation of buildings of the National Gallery of Art

1 may be negotiated with selected contractors and awarded
2 on the basis of contractor qualifications as well as price.

3 JOHN F. KENNEDY CENTER FOR THE PERFORMING
4 ARTS
5 OPERATIONS AND MAINTENANCE

6 For necessary expenses for the operation, mainte-
7 nance and security of the John F. Kennedy Center for
8 the Performing Arts, \$10,875,000.

9 CONSTRUCTION

10 For necessary expenses of capital repair and rehabili-
11 tation of the existing features of the building and site of
12 the John F. Kennedy Center for the Performing Arts,
13 \$9,000,000, to remain available until expended.

14 WOODROW WILSON INTERNATIONAL CENTER FOR
15 SCHOLARS
16 SALARIES AND EXPENSES

17 For expenses necessary in carrying out the provisions
18 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
19 1356) including hire of passenger vehicles and services as
20 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
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$82,734,000, shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts through assistance to organi-
10 zations and individuals pursuant to section 5(c) of the Act,
11 and for administering the functions of the Act, to remain
12 available until expended.

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, \$16,760,000, to remain available
17 until expended, to the National Endowment for the Arts:
18 *Provided*, That this appropriation shall be available for ob-
19 ligation only in such amounts as may be equal to the total
20 amounts of gifts, bequests, and devises of money, and
21 other property accepted by the Chairman or by grantees
22 of the Endowment under the provisions of section
23 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during
24 the current and preceding fiscal years for which equal
25 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
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$96,100,000 shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

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, \$13,900,000, to remain available
14 until expended, of which \$8,000,000 shall be available to
15 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
20 Chairman or by grantees of the Endowment under the
21 provisions of subsections 11(a)(2)(B) and 11(a)(3)(B)
22 during the current and preceding fiscal years for which
23 equal amounts 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, \$22,000,000,
5 to remain available until expended.

6 ADMINISTRATIVE PROVISIONS

7 None of the funds appropriated to the National
8 Foundation on the Arts and the Humanities may be used
9 to process any grant or contract documents which do not
10 include the text of 18 U.S.C. 1913: *Provided*, That none
11 of the funds appropriated to the National Foundation on
12 the Arts and the Humanities may be used for official re-
13 ception 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), \$867,000.

18 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

19 For necessary expenses as authorized by Public Law
20 99–190 (20 U.S.C. 956(a)), as amended, \$6,000,000.

21 ADVISORY COUNCIL ON HISTORIC PRESERVATION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Advisory Council on
24 Historic Preservation (Public Law 89–665, as amended),
25 \$2,500,000: *Provided*, That none of these funds shall be

1 available for the compensation of Executive Level V or
2 higher position.

3 NATIONAL CAPITAL PLANNING COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by the Na-
6 tional Capital Planning Act of 1952 (40 U.S.C 71–71i),
7 including services as authorized by 5 U.S.C. 3109,
8 \$5,390,000: *Provided*, That all appointed members will be
9 compensated at a rate not to exceed the rate for Executive
10 Schedule Level IV.

11 FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Franklin Delano Roo-
14 sevelt Memorial Commission, established by the Act of Au-
15 gust 11, 1955 (69 Stat. 694), as amended by Public Law
16 92–332 (86 Stat. 401), \$500,000 to remain available until
17 expended.

18 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

19 HOLOCAUST MEMORIAL COUNCIL

20 For expenses of the Holocaust Memorial Council, as
21 authorized by Public Law 96–388 (36 U.S.C. 1401), as
22 amended, \$30,707,000, of which \$1,575,000 for the Muse-
23 um’s repair and rehabilitation program and \$1,264,000
24 for the Museum’s exhibitions program shall remain avail-
25 able until expended.

1 TITLE III—GENERAL PROVISIONS

2 SEC. 301. The expenditure of any appropriation
3 under this Act for any consulting service through procure-
4 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
5 to those contracts where such expenditures are a matter
6 of public record and available for public inspection, except
7 where otherwise provided under existing law, or under ex-
8 isting Executive Order issued pursuant to existing law.

9 SEC. 302. No part of any appropriation under this
10 Act shall be available to the Secretary of the Interior or
11 the Secretary of Agriculture for the leasing of oil and nat-
12 ural gas by noncompetitive bidding on publicly owned
13 lands within the boundaries of the Shawnee National For-
14 est, Illinois: *Provided*, That nothing herein is intended to
15 inhibit or otherwise affect the sale, lease, or right to access
16 to minerals owned by private individuals.

17 SEC. 303. No part of any appropriation contained in
18 this Act shall be available for any activity or the publica-
19 tion or distribution of literature that in any way tends to
20 promote public support or opposition to any legislative
21 proposal on which congressional action is not complete.

22 SEC. 304. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 current fiscal year unless expressly so provided herein.

1 SEC. 305. None of the funds provided in this Act to
2 any department or agency shall be obligated or expended
3 to provide a personal cook, chauffeur, or other personal
4 servants to any officer or employee of such department
5 or agency except as otherwise provided by law.

6 SEC. 306. No assessments may be levied against any
7 program, budget activity, subactivity, or project funded by
8 this Act unless advance notice of such assessments and
9 the basis therefor are presented to the Committees on Ap-
10 propriations and are approved by such Committees.

11 SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN
12 ACT.—None of the funds made available in this Act may
13 be expended by an entity unless the entity agrees that in
14 expending the funds the entity will comply with sections
15 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
16 10c; popularly known as the “Buy American Act”).

17 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
18 ING NOTICE.—

19 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
20 AND PRODUCTS.—In the case of any equipment or
21 product that may be authorized to be purchased
22 with financial assistance provided using funds made
23 available in this Act, it is the sense of the Congress
24 that entities receiving the assistance should, in ex-

1 pending the assistance, purchase only American-
2 made equipment and products.

3 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

4 In providing financial assistance using funds made
5 available in this Act, the head of each Federal agen-
6 cy shall provide to each recipient of the assistance
7 a notice describing the statement made in paragraph
8 (1) by the Congress.

9 (c) PROHIBITION OF CONTRACTS WITH PERSONS
10 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a label bear-
13 ing a “Made in America” inscription, or any inscription
14 with the same meaning, to any product sold in or shipped
15 to the United States that is not made in the United
16 States, the person shall be ineligible to receive any con-
17 tract or subcontract made with funds made available in
18 this Act, pursuant to the debarment, suspension, and ineli-
19 gibility procedures described in sections 9.400 through
20 9.409 of title 48, Code of Federal Regulations.

21 SEC. 308. None of the funds in this Act may be used
22 to plan, prepare, or offer for sale timber from trees classi-
23 fied as giant sequoia (*Sequoiadendron giganteum*) which
24 are located on National Forest System or Bureau of Land

1 Management lands in a manner different than such sales
2 were conducted in fiscal year 1995.

3 SEC. 309. None of the funds made available by this
4 Act may be obligated or expended by the National Park
5 Service to enter into or implement a concession contract
6 which permits or requires the removal of the underground
7 lunchroom at the Carlsbad Caverns National Park.

8 SEC. 310. Where the actual costs of construction
9 projects under self-determination contracts, compacts, or
10 grants, pursuant to Public Laws 93-638, 103-413, or
11 100-297, are less than the estimated costs thereof, use
12 of the resulting excess funds shall be determined by the
13 appropriate Secretary after consultation with the tribes.

14 SEC. 311. Notwithstanding Public Law 103-413,
15 quarterly payments of funds to tribes and tribal organiza-
16 tions under annual funding agreements pursuant to sec-
17 tion 108 of Public Law 93-638, as amended, may be made
18 on the first business day following the first day of a fiscal
19 quarter.

20 SEC. 312. None of the funds appropriated or other-
21 wise made available by this Act may be used for the
22 AmeriCorps program, unless the relevant agencies of the
23 Department of the Interior and/or Agriculture follow ap-
24 propriate reprogramming guidelines: *Provided*, That if no
25 funds are provided for the AmeriCorps program by the

1 VA–HUD and Independent Agencies fiscal year 1997 ap-
2 propriations bill, then none of the funds appropriated or
3 otherwise made available by this Act may be used for the
4 AmeriCorps programs.

5 SEC. 313. None of the funds made available in this
6 Act may be used (1) to demolish the bridge between Jersey
7 City, New Jersey, and Ellis Island; or (2) to prevent pe-
8 destrian use of such bridge, when it is made known to
9 the Federal official having authority to obligate or expend
10 such funds that such pedestrian use is consistent with gen-
11 erally accepted safety standards.

12 SEC. 314. (a) None of the funds appropriated or oth-
13 erwise made available pursuant to this Act shall be obli-
14 gated or expended to accept or process applications for
15 a patent for any mining or mill site claim located under
16 the general mining laws.

17 (b) The provisions of subsection (a) shall not apply
18 if the Secretary of the Interior determines that, for the
19 claim concerned: (1) a patent application was filed with
20 the Secretary on or before September 30, 1994, and (2)
21 all requirements established under sections 2325 and 2326
22 of the Revised Statutes (30 U.S.C. 29 and 30) for vein
23 or lode claims and sections 2329, 2330, 2331, and 2333
24 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for
25 placer claims, and section 2337 of the Revised Statutes

1 (30 U.S.C. 42) for mill site claims, as the case may be,
2 were fully complied with by the applicant by that date.

3 (c) PROCESSING SCHEDULE.—For those applications
4 for patents pursuant to subsection (b) which were filed
5 with the Secretary of the Interior, prior to September 30,
6 1994, the Secretary of the Interior shall—

7 (1) Within three months of the enactment of
8 this Act, file with the House and Senate Committees
9 on Appropriations and the Committee on Resources
10 of the House of Representatives and the Committee
11 on Energy and Natural Resources of the United
12 States Senate a plan which details how the Depart-
13 ment of the Interior will make a final determination
14 as to whether or not an applicant is entitled to a
15 patent under the general mining laws on at least 90
16 percent of such applications within five years of the
17 enactment of this Act and file reports annually
18 thereafter with the same committees detailing ac-
19 tions taken by the Department of the Interior to
20 carry out such plan; and

21 (2) Take such actions as may be necessary to
22 carry out such plan.

23 (d) MINERAL EXAMINATIONS.—In order to process
24 patent applications in a timely and responsible manner,
25 upon the request of a patent applicant, the Secretary of

1 the Interior shall allow the applicant to fund a qualified
2 third-party contractor to be selected by the Bureau of
3 Land Management to conduct a mineral examination of
4 the mining claims or mill sites contained in a patent appli-
5 cation as set forth in subsection (b). The Bureau of Land
6 Management shall have the sole responsibility to choose
7 and pay the third-party contractor in accordance with the
8 standard procedures employed by the Bureau of Land
9 Management in the retention of third-party contractors.

10 SEC. 315. None of the funds appropriated or other-
11 wise made available by this Act may be used for the pur-
12 poses of acquiring lands in the counties of Gallia, Law-
13 rence, Monroe, or Washington, Ohio, for the Wayne Na-
14 tional Forest.

15 SEC. 316. Of the funds provided to the National En-
16 dowment for the Arts:

17 (a) The Chairperson shall only award a grant
18 to an individual if such grant is awarded to such in-
19 dividual for a literature fellowship, National Herit-
20 age Fellowship, or American Jazz Masters Fellow-
21 ship.

22 (b) The Chairperson shall establish procedures
23 to ensure that no funding provided through a grant,
24 except a grant made to a State or local arts agency,
25 or regional group, may be used to make a grant to

1 any other organization or individual to conduct ac-
2 tivity independent of the direct grant recipient.
3 Nothing in this subsection shall prohibit payments
4 made in exchange for goods and services.

5 (c) No grant shall be used for seasonal support
6 to a group, unless the application is specific to the
7 contents of the season, including identified programs
8 and/or projects.

9 SEC. 317. None of the funds available to the Depart-
10 ment of the Interior or the Department of Agriculture by
11 this or any other Act may be used to prepare, promulgate,
12 implement, or enforce any rule or regulation pursuant to
13 title VIII of the Alaska National Interest Lands Conserva-
14 tion Act to assert jurisdiction, management, or control
15 over any waters (other than non-navigable waters on Fed-
16 eral lands), non-Federal lands, or lands selected by, but
17 not conveyed to, the State of Alaska pursuant to the Sub-
18 merged Lands Act of 1953 or the Alaska Statehood Act,
19 or an Alaska Native Corporation pursuant to the Alaska
20 Native Claims Settlement Act.

21 SEC. 318. No funds appropriated under this or any
22 other Act shall be used to review or modify sourcing areas
23 previously approved under section 490(c)(3) of the Forest
24 Resources Conservation and Shortage Relief Act of 1990
25 (Public Law 101–382) or to enforce or implement Federal

1 regulations 36 CFR part 223 promulgated on September
2 8, 1995. The regulations and interim rules in effect prior
3 to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87,
4 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36
5 CFR 261.6) shall remain in effect. The Secretary of Agri-
6 culture or the Secretary of the Interior shall not adopt
7 any policies concerning Public Law 101–382 or existing
8 regulations that would restrain domestic transportation or
9 processing of timber from private lands or impose addi-
10 tional accountability requirements on any timber. The Sec-
11 retary of Commerce shall extend until September 30,
12 1997, the order issued under section 491(b)(2)(A) of Pub-
13 lic Law 101–382 and shall issue an order under section
14 491(b)(2)(B) of such law that will be effective October 1,
15 1997.

16 SEC. 319. Section 101(c) of Public Law 104–134 is
17 amended as follows: Under the heading “Title III—Gen-
18 eral Provisions” amend section 315(b) by striking “50,
19 areas,” and inserting in lieu thereof “100, areas,” and
20 amend section 315(f) by striking “September 30, 1998”
21 and inserting in lieu thereof “September 30, 1999” and
22 by striking “September 30, 2001” and inserting in lieu
23 thereof “September 30, 2002”.

24 SEC. 320. None of the amounts made available by
25 this Act may be used for design, planning, implementa-

1 tion, engineering, construction, or any other activity in
2 connection with a scenic shoreline drive in Pictured Rocks
3 National Lakeshore.

4 SEC. 321. None of the funds made available in this
5 Act may be used by the Bureau of Indian Affairs to trans-
6 fer any land into trust under section 5 of the Indian Reor-
7 ganization Act (25 U.S.C. 465), or any other Federal stat-
8 ute that does not explicitly denominate and identify a spe-
9 cific tribe or specific property, except when it is made
10 known to the Federal official having authority to obligate
11 or expend such funds that—

12 (1) a binding agreement is in place between the
13 tribe that will have jurisdiction over the land to be
14 taken into trust and the appropriate State and local
15 officials; and

16 (2) such agreement provides, for as long as the
17 land is held in trust, for the collection and payment,
18 by any retail establishment located on the land to be
19 taken into trust, of State and local sales and excise
20 taxes, including any special tax on motor fuel, to-
21 bacco, or alcohol, on any retail item sold to any non-
22 member of the tribe for which the land is held in
23 trust, or an agreed upon payment in lieu of such
24 taxes.

1 SEC. 322. LAND TRANSFER, BEND SILVICULTURE
2 LAB, DESCHUTES NATIONAL FOREST, OREGON.—

3 (a) TRANSFER OF REAL PROPERTY AND ALL
4 IMPROVEMENTS LOCATED THEREON.—Notwith-
5 standing any other provisions of law, there is hereby
6 transferred, without consideration and subject to ex-
7 isting valid rights, all right, title and interest of the
8 United States in and to approximately 5.73 acres of
9 land as described by plat dated July 7, 1977, (which
10 is on file and available for public inspection in the
11 Office of the Chief, USDA Forest Service, Washing-
12 ton, D.C.), as well as all improvements, including
13 the Bend Silviculture Lab located thereon, to the
14 Central Oregon Community College, Bend, Oregon;
15 this being a portion of the same tract acquired by
16 donation from the City of Bend on August 10, 1960,
17 through a Bargain and Sale deed to the USDA For-
18 est Service for use as a research lab, and recorded
19 in volume 125, page 508 of the Deschutes County,
20 Oregon, Deed Records.

21 (b) CONDITIONS OF TRANSFER.—The transfer
22 effected by subsection (a) is made subject to no spe-
23 cial terms or conditions.

24 SEC. 323. Upon the date of enactment of this Act,
25 no part of any appropriation contained in this Act or any

1 other Act shall be expended or obligated to fund the activi-
2 ties of the Office of Forestry and Economic Assistance,
3 or any successor office.

4 SEC. 324. (a) The Secretary of the Interior is author-
5 ized to accept title to approximately 84 acres of land lo-
6 cated in Prince Georges County, Maryland, adjacent to
7 Oxon Cove Park, and bordered generally by the Potomac
8 River, Interstate 295 and the Woodrow Wilson Bridge, or
9 any interest therein, and in exchange therefor may convey
10 to the Corrections Corporation of America approximately
11 50 acres of land located in Oxon Cove Park in the District
12 of Columbia and bordered generally by Oxon Cove, Inter-
13 state 295 and the District of Columbia Impound Lot, or
14 any interest therein.

15 (b) Before proceeding with an exchange, the Sec-
16 retary shall determine if the Federal property is suitable
17 for exchange under the criteria normally used by the Na-
18 tional Park Service. The exchange shall comply with appli-
19 cable regulations and National Park Service policies for
20 land exchanges.

21 (c)(1) The Secretary shall not acquire any lands
22 under this section if the Secretary determines that the
23 lands or any portion thereof have become contaminated
24 with hazardous substances (as defined in the Comprehen-

1 sive Environmental Response, Compensation, and Liabil-
2 ity Act (42 U.S.C. 9601)).

3 (2) Notwithstanding any other provision of law, the
4 United States shall have no responsibility or liability with
5 respect to any hazardous wastes or other substances
6 placed on any of the lands covered by this section after
7 their transfer to the ownership of any party, but nothing
8 in this section shall be construed as either diminishing or
9 increasing any responsibility or liability of the United
10 States based on the condition of such lands on the date
11 of their transfer to the ownership of another party: *Pro-*
12 *vided*, That the Corrections Corporation of America shall
13 indemnify the United States for liabilities arising under
14 the Comprehensive Environmental Response, Compensa-
15 tion, and Liability Act (42 U.S.C. 9601) and the Resource
16 Conservation Recovery Act (42 U.S.C. 6901, et seq.).

17 (d) The properties so exchanged either shall be ap-
18 proximately equal in fair market value or if they are not
19 approximately equal, shall be equalized by the payment of
20 cash to the Corporation or to the Secretary as required
21 or in the event the value of the Corporation's lands is
22 greater, the acreage may be reduced so that the fair mar-
23 ket value is approximately equal: *Provided*, That the Sec-
24 retary shall order appraisals made of the fair market value
25 for improvements thereon: *Provided further*, That any

1 such cash payment received by the Secretary shall be de-
2 posited to “Miscellaneous Trust Funds, National Park
3 Service” and shall be available without further appropria-
4 tion until expended for the acquisition of land within the
5 National Park System.

6 (e) Costs of conducting necessary land surveys, pre-
7 paring the legal descriptions of the lands to be conveyed,
8 performing the appraisals, and administrative costs in-
9 curred in completing the exchange shall be borne by the
10 Corporation.

11 (f) Following any exchange authorized by this provi-
12 sion, the boundaries of Oxon Cove Park shall be expanded
13 to include the land acquired by the United States.

14 SEC. 325. SECTION 1. LAND EXCHANGE.—

15 (a) EXCHANGE.—Subject to subsection (c), the
16 Secretary of Agriculture (referred to in this section
17 as the “Secretary”) shall convey all right, title, and
18 interest of the United States in and to the National
19 Forest System lands described in subsection (b)(1)
20 to Public Utility District No. 1 of Chelan County,
21 Washington (referred to in this section as the “Pub-
22 lic Utility District”), in exchange for the conveyance
23 to the Department of Agriculture by the Public Util-
24 ity District of all right, title, and interest of the

1 Public Utility District in and to the lands described
2 in subsection (b)(2).

3 (b) DESCRIPTION OF LANDS.—

4 (1) NATIONAL FOREST SYSTEM LANDS.—

5 The National Forest System lands referred to
6 in subsection (a) are 122 acres, more or less,
7 that are partially occupied by a wastewater
8 treatment facility referred to in subsection
9 (c)(4)(A) with the following legal description:

10 (A) The NE¹/₄ of SW¹/₄ of section 27
11 of township 27 north, range 17 east, Wil-
12 lamette Meridian, Chelan County, Wash-
13 ington.

14 (B) The N¹/₂ of SE¹/₄ of SW¹/₄ of
15 such section 27.

16 (C) The W¹/₂ of NW¹/₄ of SE¹/₄ of
17 such section 27.

18 (D) The NW¹/₄ of SW¹/₄ of SE¹/₄ of
19 such section 27.

20 (E) The E¹/₂ of NW¹/₄ of the SE¹/₄ of
21 such section 27.

22 (F) That portion of the S¹/₂ of SE¹/₄
23 of SW¹/₄ lying north of the northerly edge
24 of Highway 209 right-of-way of such sec-
25 tion 27.

1 (2) PUBLIC UTILITY DISTRICT LANDS.—

2 The lands owned by the Public Utility District
3 are 109.15 acres, more or less, with the follow-
4 ing legal description:

5 (A) S¹/₂ of SW¹/₄ of section 35 of
6 township 26 north, range 17 east, Willam-
7 ette Meridian, Chelan County, Washington.

8 (B) The area specified by Public Util-
9 ity District No. 1 as Government Lot 5 in
10 such section 35.

11 (c) REQUIREMENTS FOR EXCHANGE.—

12 (1) TITLE ACCEPTANCE AND CONVEY-
13 ANCE.—Upon offer by the Public Utility Dis-
14 trict of all right, title and interest in and to the
15 lands described in subsection (b)(2), if the title
16 is found acceptable by the Secretary, the Sec-
17 retary shall accept title to such lands and inter-
18 ests therein and shall convey to the Public Util-
19 ity District all right, title, and interest of the
20 United States in and to the lands described in
21 subsection (b)(1).

22 (2) APPRAISALS REQUIRED.—Before mak-
23 ing an exchange pursuant to subsection (a), the
24 Secretary shall conduct appraisals of the lands
25 that are subject to the exchange to determine

1 the fair market value of the lands. Such ap-
2 praisals shall not include the value of the
3 wastewater treatment facility referred to in
4 paragraph (4)(A).

5 (3) ADDITIONAL CONSIDERATION.—If, on
6 the basis of the appraisals made under para-
7 graph (1), the Secretary determines that the
8 fair market value of the lands to be conveyed by
9 one party under subsection (a) is less than the
10 fair market value of the lands to be conveyed by
11 the other party under subsection (a), then, as
12 a condition of making the exchange under sub-
13 section (a), the party conveying the lands with
14 the lesser value shall pay the other party the
15 amount by which the fair market value of the
16 lands of greater value exceeds the fair market
17 value of the lands of lesser value.

18 (4) CONVEYANCE OF WASTEWATER TREAT-
19 MENT FACILITY.—(A) As part of an exchange
20 made under subsection (a), the Secretary shall
21 convey to the Public Utility District of Chelan
22 County, Washington, all right, title and interest
23 of the United States in and to the wastewater
24 treatment facility (including the wastewater
25 treatment plant and associated lagoons) located

1 on the lands described in subsection (b)(1) that
2 is in existence on the date of the exchange.

3 (B) As a condition for the exchange under
4 subsection (a), the Public Utility District shall
5 provide for a credit equal to the fair market
6 value of the wastewater treatment facility con-
7 veyed pursuant to subparagraph (A) (deter-
8 mined as of November 4, 1991), that shall be
9 applied to the United States' share of any new
10 wastewater treatment facility constructed by
11 the Public Utility District after such date.

12 (d) ADDITIONAL TERMS AND CONDITIONS.—
13 The Secretary may require such additional terms
14 and conditions in connection with the exchange
15 under this section as the Secretary determines ap-
16 propriate to protect the interests of the United
17 States.

18 SEC. 326. "Snoqualmie National Forest Boundary
19 Adjustment Act of 1996."

20 (a) IN GENERAL.—The Secretary of Agriculture
21 is hereby directed to modify the boundary of the
22 Snoqualmie National Forest to include and encom-
23 pass 10,589.47 acres, more or less, as generally de-
24 picted on a map entitled "Snoqualmie National For-
25 est Proposed 1996 Boundary Modification" dated

1 July, 1996. Such map, together with a legal descrip-
2 tion of all lands included in the boundary adjust-
3 ment, shall be on file and available for public inspec-
4 tion in the Office of the Chief of the Forest Service
5 in Washington, District of Columbia.

6 (b) RULE FOR LAND AND WATER CONSERVA-
7 TION FUND.—For the purposes of section 7 of the
8 Land and Water Conservation Fund Act of 1965
9 (16 U.S.C. 4601–9), the boundary of the Snoqualmie
10 National Forest, as modified pursuant to subsection
11 (a), shall be considered to be the boundary of that
12 National Forest as of January 1, 1965.

13 SEC. 327. Sugarbush Land Exchange Act of 1996.

14 (a) EXCHANGE OR SALE OF LAND.—

15 (1) If Sugarbush Resort Holdings, Inc.
16 conveys to the United States land acceptable to
17 the Secretary of Agriculture that is at least
18 equal in value to the value of the land described
19 in subsection (a)(2), makes a payment of cash
20 at least equal to that value, or conveys land and
21 makes a payment of cash that in combination
22 are at least equal to that value, the Secretary,
23 subject to valid existing rights, shall, under
24 such terms and conditions as the Secretary may
25 prescribe, convey all right, title, and interest of

1 the United States in and to the land described
2 in subsection (a)(2).

3 (2) FEDERAL LAND TO BE EXCHANGED.—

4 The Federal land to be exchanged is approxi-
5 mately 57 acres of federally owned land in the
6 Green Mountain National Forest depicted on
7 the map entitled “Green Mountain National
8 Forest, Sugarbush Exchange,” dated December
9 1995.

10 (3) Lands acquired from Sugarbush Resort
11 Holdings, Inc.—Any land conveyed to the
12 United States in an exchange under subsection
13 (a)(1) shall be subject to such valid existing
14 rights of record as may be acceptable to the
15 Secretary, and the title to the parcel shall con-
16 form with the title approval standards applica-
17 ble to federal land acquisitions.

18 (b) ADMINISTRATION OF LAND.—

19 (1) ADDITION TO GREEN MOUNTAIN NA-
20 TIONAL FOREST.—On approval and acceptance
21 of title by the Secretary, the land acquired by
22 the United States through an exchange or with
23 proceeds from a sale under subsection (a) shall
24 become part of the Green Mountain National

1 Forest, and the boundaries of the National For-
2 est shall be adjusted to include the land.

3 (2) ADMINISTRATION.—Land acquired
4 under this Act shall be administered by the Sec-
5 retary in accordance with the laws (including
6 regulations) pertaining to the National Forest
7 System.

8 (3) AUTHORITY OF THE SECRETARY.—
9 This section does not limit the authority of the
10 Secretary to adjust the boundaries of the Green
11 Mountain National Forest pursuant to section
12 11 of the Act of March 1, 1911 (36 Stat. 963,
13 chapter 186; 16 U.S.C. 521) (commonly known
14 as the “Weeks Law”).

15 (4) For the purposes of section 7 of the
16 Land and Water Conservation Fund Act of
17 1965 (16 U.S.C. 4601–9), the boundaries of the
18 Green Mountain National Forest, as adjusted
19 under this Act, shall be considered to be the
20 boundaries of the Green Mountain National
21 Forest as of January 1, 1965.

22 SEC. 328. Snowbird Wilderness Study Area.

23 (a) IN GENERAL.—Section 6(a)(4) of the North
24 Carolina Wilderness Act of 1984 (Public Law 98–
25 324) is amended—

1 (1) by striking “eight thousand four hun-
2 dred and ninety acres” and inserting “8,390
3 acres”; and

4 (2) by striking “July 1983” and inserting
5 “July 1996”.

6 (b) MANAGEMENT.—The Secretary of Agri-
7 culture shall manage the area removed from wilder-
8 ness study status by the amendments made by sub-
9 section (a) in accordance with the provisions of law
10 applicable to adjacent areas outside the wilderness
11 study area.

12 SEC. 329. Renaming of Wilderness Area.

13 (a) The Columbia Wilderness, created by the
14 Oregon Wilderness Act of 1984, Public Law 98–328,
15 located in the Mt. Hood National Forest, Oregon,
16 shall be known and designated as the “Mark O.
17 Hatfield Wilderness”.

18 (b) Any references in a law, map, regulation,
19 document, paper, or other record of the United
20 States to the Columbia Wilderness shall be deemed
21 to be a reference to the “Mark O. Hatfield Wilder-
22 ness”.

23 SEC. 330. Notwithstanding any other provision of
24 law, for fiscal year 1997 the Secretaries of Agriculture and
25 Interior are authorized to limit competition for watershed

1 restoration project contracts as part of the “Jobs in the
2 Woods” component of the President’s Forest Plan for the
3 Pacific Northwest to individuals and entities in historically
4 timber-dependent areas in the States of Washington, Or-
5 egon, and northern California that have been affected by
6 reduced timber harvesting on Federal lands.

7 SEC. 331. Section 9 of the Rhode Island Indian
8 Claims Settlement Act (25 U.S.C. 1708) is amended—

9 (1) by striking “Sec. 9. Except as”; and insert-
10 ing the following:

11 “(a) IN GENERAL.—Except as”;

12 (2) by striking the section heading and insert-
13 ing the following:

14 **“SEC. 9. APPLICABILITY OF STATE LAW; TREATMENT OF**
15 **SETTLEMENT LANDS UNDER THE INDIAN**
16 **GAMING REGULATORY ACT.”;**

17 and

18 (3) by adding at the end the following new sub-
19 section:

20 “(b) TREATMENT OF SETTLEMENT LANDS UNDER
21 THE INDIAN GAMING REGULATORY ACT.—For purposes
22 of the Indian Gaming Regulatory Act (25 U.S.C. 2701
23 et seq.), settlement lands shall not be treated as Indian
24 lands.”.

1 SEC. 332. During fiscal year 1997, the Secretary of
2 the Interior may not expend any funds made available
3 under this Act to develop, promulgate, implement, or en-
4 force any regulation or procedure that provides for the es-
5 tablishment of class III gaming (as those terms are de-
6 fined under section 4 of the Indian Gaming Regulatory
7 Act (25 U.S.C. 2703)) in the absence of a tribal-State
8 compact entered into between an Indian tribe (as that
9 term is defined in section 4(e) of the Indian Self-Deter-
10 mination and Education Assistance Act (25 U.S.C.
11 450(b)(e)) and a State.

12 TITLE IV—EMERGENCY APPROPRIATIONS

13 DEPARTMENT OF THE INTERIOR

14 BUREAU OF LAND MANAGEMENT

15 MANAGEMENT OF LANDS AND RESOURCES

16 For an additional amount for management of lands
17 and resources, \$3,500,000 to remain available until ex-
18 pended, to restore public lands damaged by fire: *Provided*,
19 That Congress hereby designates this amount as an emer-
20 gency requirement pursuant to section 251(b)(2)(D)(i) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985, as amended: *Provided further*, That this amount
23 shall be available only to the extent that an official budget
24 request for a specific dollar amount, that includes designa-
25 tion of the entire amount as an emergency requirement

1 as defined in the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended, is transmitted by the
3 President to the Congress.

4 WILDLAND FIRE MANAGEMENT

5 For an additional amount for wildland fire manage-
6 ment, \$100,000,000, to remain available until expended,
7 for emergency rehabilitation and wildfire suppression ac-
8 tivities of the Department of the Interior: *Provided*, That
9 Congress hereby designates this amount as an emergency
10 requirement pursuant to section 251(b)(2)(D)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985, as amended: *Provided further*, That this amount
13 shall be available only to the extent that an official budget
14 request for a specific dollar amount, that includes designa-
15 tion of the entire amount as an emergency requirement
16 as defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress.

19 OREGON AND CALIFORNIA GRANT LANDS

20 For an additional amount for Oregon and California
21 grant lands, \$2,500,000 to remain available until ex-
22 pended, to restore public lands damaged by fire: *Provided*,
23 That Congress hereby designates this amount as an emer-
24 gency requirement pursuant to section 251(b)(2)(D)(i) of
25 the Balanced Budget and Emergency Deficit Control Act
26 of 1985, as amended: *Provided further*, That this amount

1 shall be available only to the extent that an official budget
2 request for a specific dollar amount, that includes designa-
3 tion of the entire amount as an emergency requirement
4 as defined in the Balanced Budget and Emergency Deficit
5 Control Act of 1985, as amended, is transmitted by the
6 President to the Congress.

7 UNITED STATES FISH AND WILDLIFE SERVICE

8 RESOURCE MANAGEMENT

9 For an additional amount for resource management,
10 \$600,000, to remain available until expended, to restore
11 public lands damaged by fire: *Provided*, That Congress
12 hereby designates this amount as an emergency require-
13 ment pursuant to section 251(b)(2)(D)(i) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985, as
15 amended: *Provided further*, That this amount shall be
16 available only to the extent that an official budget request
17 for a specific dollar amount, that includes designation of
18 the entire amount as an emergency requirement as defined
19 in the Balanced Budget and Emergency Deficit Control
20 Act of 1985, as amended, is transmitted by the President
21 to the Congress.

22 CONSTRUCTION

23 For an additional amount for construction,
24 \$15,891,000, to remain available until expended, to repair
25 damage caused by hurricanes, floods and other acts of na-
26 ture: *Provided*, That Congress hereby designates this

1 amount as an emergency requirement pursuant to section
2 251(b)(2)(D)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, as amended: *Provided further*,
4 That this amount shall be available only to the extent that
5 an official budget request for a specific dollar amount,
6 that includes designation of the entire amount as an emer-
7 gency requirement as defined in the Balanced Budget and
8 Emergency Deficit Control Act of 1985, as amended, is
9 transmitted by the President to the Congress.

10 UNITED STATES GEOLOGICAL SURVEY
11 SURVEYS, INVESTIGATIONS, AND RESEARCH

12 For an additional amount for surveys, investigations,
13 and research, \$1,138,000, to remain available until ex-
14 pended, to address damage caused by hurricanes and
15 floods: *Provided*, That Congress hereby designates this
16 amount 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: *Provided further*,
19 That this amount shall be available only to the extent that
20 an official budget request for a specific dollar amount,
21 that includes designation of the entire amount as an emer-
22 gency requirement as defined in the Balanced Budget and
23 Emergency Deficit Control Act of 1985, as amended, is
24 transmitted by the President to the Congress.

1 NATIONAL PARK SERVICE

2 CONSTRUCTION

3 For an additional amount for construction,
4 \$3,000,000, to remain available until expended, to repair
5 damage caused by hurricanes: *Provided*, That Congress
6 hereby designates this amount as an emergency require-
7 ment pursuant to section 251(b)(2)(D)(i) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985, as
9 amended: *Provided further*, That this amount shall be
10 available only to the extent that an official budget request
11 for a specific dollar amount, that includes designation of
12 the entire amount as an emergency requirement as defined
13 in the Balanced Budget and Emergency Deficit Control
14 Act of 1985, as amended, is transmitted by the President
15 to the Congress.

16 BUREAU OF INDIAN AFFAIRS

17 OPERATION OF INDIAN PROGRAMS

18 For an additional amount for operation of Indian
19 programs, \$6,600,000, to remain available until expended,
20 to repair damage caused by floods and to restore Indian
21 lands damaged by fire: *Provided*, That Congress hereby
22 designates this amount as an emergency requirement pur-
23 suant to section 251(b)(2)(D)(i) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985, as amended:
25 *Provided further*, That this amount shall be available only

1 to the extent that an official budget request for a specific
2 dollar amount, that includes designation of the entire
3 amount as an emergency requirement as defined in the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985, as amended, is transmitted by the President to the
6 Congress.

7 CONSTRUCTION

8 For an additional amount for construction,
9 \$6,000,000, to remain available until expended, to repair
10 damage caused by floods: *Provided*, That Congress hereby
11 designates this amount as an emergency requirement pur-
12 suant to section 251(b)(2)(D)(i) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985, as amended:
14 *Provided further*, That this 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 as an emergency requirement as defined in the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985, as amended, is transmitted by the President to the
20 Congress.

21 DEPARTMENT OF AGRICULTURE

22 FOREST SERVICE

23 NATIONAL FOREST SYSTEM

24 For an additional amount for the National Forest
25 System, \$3,395,000, to remain available until expended,
26 to repair damage caused by hurricanes: *Provided*, That

1 Congress hereby designates this amount as an emergency
2 requirement pursuant to section 251(b)(2)(D)(i) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985, as amended: *Provided further*, That this amount
5 shall be available only to the extent that an official budget
6 request for a specific dollar amount, that includes designa-
7 tion of the entire amount as an emergency requirement
8 as defined in the Balanced Budget and Emergency Deficit
9 Control Act of 1985, as amended, is transmitted by the
10 President to the Congress.

11 WILDLAND FIRE MANAGEMENT

12 For an additional amount for wildland fire manage-
13 ment, \$550,000,000, to remain available until expended,
14 for presuppression due to emergencies for emergency fire
15 suppression on or adjacent to National Forest System
16 lands or other lands under fire protection agreement and
17 for emergency rehabilitation of burned over National For-
18 est System lands: *Provided*, That such funds are available
19 for repayment of advances from other appropriations ac-
20 counts previously transferred for such purposes: *Provided*
21 *further*, That Congress hereby designates this amount as
22 an emergency requirement pursuant to section
23 251(b)(2)(D)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, as amended: *Provided further*,
25 That this amount shall be available only to the extent that
26 an official budget request for a specific dollar amount,

1 that includes designation of the entire amount as an emer-
2 gency requirement as defined in the Balanced Budget and
3 Emergency Deficit Control Act of 1985, as amended, is
4 transmitted by the President to the Congress.

5 CONSTRUCTION AND RECONSTRUCTION

6 For an additional amount for construction and recon-
7 struction, \$5,210,000, to remain available until expended,
8 to repair damage caused by hurricanes: *Provided*, That
9 Congress hereby designates this amount as an emergency
10 requirement pursuant to section 251(b)(2)(D)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985, as amended: *Provided further*, That this amount
13 shall be available only to the extent that an official budget
14 request for a specific dollar amount, that includes designa-
15 tion of the entire amount as an emergency requirement
16 as defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress.

19 This Act may be cited as the “Department of the In-
20 terior and Related Agencies Appropriations Act, 1997”.

21 (e) For programs, projects or activities in the Depart-
22 ments of Labor, Health and Human Services, and Edu-
23 cation, and Related Agencies Appropriations Act, 1997,
24 provided as follows, to be effective as if it had been en-
25 acted into law as the regular appropriations Act:

1 AN ACT

2 Making appropriations for the Departments of
3 Labor, Health and Human Services, and related agencies
4 for the fiscal year ending September 30, 1997, and for
5 other purposes.

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For expenses necessary to carry into effect the Job
10 Training Partnership Act, as amended, including the pur-
11 chase and hire of passenger motor vehicles, the construc-
12 tion, alteration, and repair of buildings and other facili-
13 ties, and the purchase of real property for training centers
14 as authorized by the Job Training Partnership Act; the
15 Women in Apprenticeship and Nontraditional Occupations
16 Act; the National Skill Standards Act of 1994; and the
17 School-to-Work Opportunities Act; \$4,719,703,000 plus
18 reimbursements, of which \$3,559,408,000 is available for
19 obligation for the period July 1, 1997 through June 30,
20 1998; of which \$88,685,000 is available for the period
21 July 1, 1997 through June 30, 2000 for necessary ex-
22 penses of construction, rehabilitation, and acquisition of
23 Job Corps centers; and of which \$200,000,000 shall be
24 available from July 1, 1997 through September 30, 1998,
25 for carrying out activities of the School-to-Work Opportu-

1 nities Act: *Provided*, That \$52,502,000 shall be for carry-
2 ing out section 401 of the Job Training Partnership Act,
3 \$69,285,000 shall be for carrying out section 402 of such
4 Act, \$7,300,000 shall be for carrying out section 441 of
5 such Act, \$8,000,000 shall be for all activities conducted
6 by and through the National Occupational Information
7 Coordinating Committee under such Act, \$895,000,000
8 shall be for carrying out title II, part A of such Act, and
9 \$126,672,000 shall be for carrying out title II, part C of
10 such Act: *Provided further*, That no funds from any other
11 appropriation shall be used to provide meal services at or
12 for Job Corps centers: *Provided further*, That funds pro-
13 vided to carry out title III of the Job Training Partnership
14 Act shall not be subject to the limitation contained in sub-
15 section (b) of section 315 of such Act; that the waiver
16 allowing a reduction in the cost limitation relating to re-
17 training services described in subsection (a)(2) of such
18 section 315 may be granted with respect to funds from
19 this Act if a substate grantee demonstrates to the Gov-
20 ernor that such waiver is appropriate due to the availabil-
21 ity of low-cost retraining services, is necessary to facilitate
22 the provision of needs-related payments to accompany
23 long-term training, or is necessary to facilitate the provi-
24 sion of appropriate basic readjustment services; and that
25 funds provided to carry out the Secretary's discretionary

1 grants under part B of such title III may be used to pro-
2 vide needs-related payments to participants who, in lieu
3 of meeting the requirements relating to enrollment in
4 training under section 314(e) of such Act, are enrolled in
5 training by the end of the sixth week after grant funds
6 have been awarded: *Provided further*, That service delivery
7 areas may transfer funding provided herein under author-
8 ity of titles II–B and II–C of the Job Training Partner-
9 ship Act between the programs authorized by those titles
10 of that Act, if such transfer is approved by the Governor:
11 *Provided further*, That service delivery areas and substate
12 areas may transfer up to 50 percent of the funding pro-
13 vided herein under authority of title II–A and title III of
14 the Job Training Partnership Act between the programs
15 authorized by those titles of the Act, if such transfer is
16 approved by the Governor: *Provided further*, That, not-
17 withstanding any other provision of law, any proceeds
18 from the sale of Job Corps center facilities shall be re-
19 tained by the Secretary of Labor to carry out the Job
20 Corps program: *Provided further*, That notwithstanding
21 any other provision of law, the Secretary of Labor may
22 waive any of the statutory or regulatory requirements of
23 titles I–III of the Job Training Partnership Act (except
24 for requirements relating to wage and labor standards,
25 grievance procedures and judicial review, nondiscrimina-

1 tion allotment of funds, and eligibility), and any of the
2 statutory or regulatory requirements of sections 8–10 of
3 the Wagner-Peyser Act (except for requirements relating
4 to the provision of services to unemployment insurance
5 claimants and veterans, and to universal access to basic
6 labor exchange services without cost to job seekers), for
7 funds available for expenditure in program year 1997,
8 pursuant to a request submitted by a State, if the Sec-
9 retary determines that such requirements impede the abil-
10 ity of the State to implement a plan to improve the
11 workforce development system and the State has executed
12 a Memorandum of Understanding with the Secretary re-
13 quiring such State to meet agreed upon outcomes and im-
14 plement other appropriate measures to ensure accountabil-
15 ity: *Provided further*, That the Secretary of Labor shall
16 establish a workforce flexibility (work-flex) partnership
17 demonstration program under which the Secretary shall
18 authorize not more than six States, of which at least three
19 States shall each have populations not in excess of
20 3,500,000, with a preference given to those States that
21 have been designated Ed-Flex Partnership States under
22 section 311(e) of Public Law 103–227, to waive any statu-
23 tory or regulatory requirement applicable to service deliv-
24 ery areas or substate areas within the State under titles
25 I–III of the Job Training Partnership Act (except for re-

1 requirements relating to wage and labor standards, grievance
 2 procedures and judicial review, nondiscrimination, allocation
 3 of funds, and eligibility), and any of the statutory or regulatory
 4 requirements of sections 8–10 of the Wagner-Peyser Act (except for
 5 requirements relating to the provision of services to unemployment
 6 insurance claimants and veterans, and to universal access to basic
 7 labor exchange services without cost to job seekers), for a duration
 8 not to exceed the waiver period authorized under section 311(e)
 9 of Public Law 103–227, pursuant to a plan submitted by such States
 10 and approved by the Secretary for the provision of workforce
 11 employment and training activities in the States, which includes
 12 a description of the process by which service delivery areas and
 13 substate areas may apply for and have waivers approved by the
 14 State, the requirements of the Wagner-Peyser Act to be waived,
 15 the outcomes to be achieved and other measures to be taken to
 16 ensure appropriate accountability for federal Funds.

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

20 AMERICANS

21 (TRANSFER OF FUNDS)

22 To carry out the activities for national grants or contracts
 23 with public agencies and public or private nonprofit organizations
 24 under paragraph (1)(A) of section 506(a) of title V of the Older
 25 Americans Act of 1965, as amended,

1 or to carry out older worker activities as subsequently au-
2 thorized, \$361,140,000.

3 To carry out the activities for grants to States under
4 paragraph (3) of section 506(a) of title V of the Older
5 Americans Act of 1965, as amended, or to carry out older
6 worker activities as subsequently authorized,
7 \$101,860,000.

8 The funds appropriated under this heading shall be
9 transferred to the Department of Health and Human
10 Services, "Aging Services Programs" following the enact-
11 ment of legislation authorizing the administration of the
12 program by that Department.

13 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

14 For payments during the current fiscal year of trade
15 adjustment benefit payments and allowances under part
16 I, and for training, for allowances for job search and relo-
17 cation, and for related State administrative expenses
18 under part II, subchapters B and D, chapter 2, title II
19 of the Trade Act of 1974, as amended, \$324,500,000, to-
20 gether with such amounts as may be necessary to be
21 charged to the subsequent appropriation for payments for
22 any period subsequent to September 15 of the current
23 year.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$173,452,000, together with not to exceed
5 \$3,146,826,000 (including not to exceed \$1,653,000
6 which may be used for amortization payments to States
7 which had independent retirement plans in their State em-
8 ployment service agencies prior to 1980, and including not
9 to exceed \$2,000,000 which may be obligated in contracts
10 with non-State entities for activities such as occupational
11 and test research activities which benefit the Federal-
12 State Employment Service System), which may be ex-
13 pended from the Employment Security Administration ac-
14 count in the Unemployment Trust Fund including the cost
15 of administering section 1201 of the Small Business Job
16 Protection Act of 1996, section 7(d) of the Wagner-Peyser
17 Act, as amended, the Trade Act of 1974, as amended, the
18 Immigration Act of 1990, and the Immigration and Na-
19 tionality Act, as amended, and of which the sums available
20 in the allocation for activities authorized by title III of
21 the Social Security Act, as amended (42 U.S.C. 502–504),
22 and the sums available in the allocation for necessary ad-
23 ministrative expenses for carrying out 5 U.S.C. 8501–
24 8523, shall be available for obligation by the States
25 through December 31, 1997, except that funds used for

1 automation acquisitions shall be available for obligation by
2 States through September 30, 1999; and of which
3 \$23,452,000, together with not to exceed \$738,283,000
4 of the amount which may be expended from said trust
5 fund, shall be available for obligation for the period July
6 1, 1997 through June 30, 1998, to fund activities under
7 the Act of June 6, 1933, as amended, including the cost
8 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)
9 made available to States in lieu of allotments for such pur-
10 pose, and of which \$216,333,000 shall be available only
11 to the extent necessary for additional State allocations to
12 administer unemployment compensation laws to finance
13 increases in the number of unemployment insurance
14 claims filed and claims paid or changes in a State law:
15 *Provided*, That to the extent that the Average Weekly In-
16 sured Unemployment (AWIU) for fiscal year 1997 is pro-
17 jected by the Department of Labor to exceed 2,828,000
18 an additional \$28,600,000 shall be available for obligation
19 for every 100,000 increase in the AWIU level (including
20 a pro rata amount for any increment less than 100,000)
21 from the Employment Security Administration Account of
22 the Unemployment Trust Fund: *Provided further*, That
23 funds appropriated in this Act which are used to establish
24 a national one-stop career center network may be obli-
25 gated in contracts, grants or agreements with non-State

1 through September 30, 1997, for such Corporation: *Pro-*
 2 *vided*, That not to exceed \$10,345,000 shall be available
 3 for administrative expenses of the Corporation: *Provided*
 4 *further*, That expenses of such Corporation in connection
 5 with the termination of pension plans, for the acquisition,
 6 protection or management, and investment of trust assets,
 7 and for benefits administration services shall be consid-
 8 ered as non-administrative expenses for the purposes here-
 9 of, and excluded from the above limitation.

10 EMPLOYMENT STANDARDS ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Employment Stand-
 13 ards Administration, including reimbursement to State,
 14 Federal, and local agencies and their employees for inspec-
 15 tion services rendered, \$290,422,000, together with
 16 \$983,000 which may be expended from the Special Fund
 17 in accordance with sections 39(c) and 44(j) of the
 18 Longshore and Harbor Workers' Compensation Act: *Pro-*
 19 *vided*, That the Secretary of Labor is authorized to accept,
 20 retain, and spend, until expended, in the name of the De-
 21 partment of Labor, all sums of money ordered to be paid
 22 to the Secretary of Labor, in accordance with the terms
 23 of the Consent Judgment in Civil Action No. 91-0027 of
 24 the United States District Court for the District of the
 25 Northern Mariana Islands (May 21, 1992): *Provided fur-*

1 *ther*, That the Secretary of Labor is authorized to estab-
2 lish and, in accordance with 31 U.S.C. 3302, collect and
3 deposit in the Treasury fees for processing applications
4 and issuing certificates under sections 11(d) and 14 of the
5 Fair Labor Standards Act of 1938, as amended (29
6 U.S.C. 211(d) and 214) and for processing applications
7 and issuing registrations under title I of the Migrant and
8 Seasonal Agricultural Worker Protection Act, 29 U.S.C.
9 1801 et seq.

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of compensation, benefits, and ex-
13 penses (except administrative expenses) accruing during
14 the current or any prior fiscal year authorized by title 5,
15 chapter 81 of the United States Code; continuation of ben-
16 efits as provided for under the head “Civilian War Bene-
17 fits” in the Federal Security Agency Appropriation Act,
18 1947; the Employees’ Compensation Commission Appro-
19 priation Act, 1944; and sections 4(c) and 5(f) of the War
20 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per
21 centum of the additional compensation and benefits re-
22 quired by section 10(h) of the Longshore and Harbor
23 Workers’ Compensation Act, as amended, \$213,000,000
24 together with such amounts as may be necessary to be
25 charged to the subsequent year appropriation for the pay-
26 ment of compensation and other benefits for any period

1 subsequent to August 15 of the current year: *Provided*,
2 That such sums as are necessary may be used under sec-
3 tion 8104 of title 5, United States Code, by the Secretary
4 to reimburse an employer, who is not the employer at the
5 time of injury, for portions of the salary of a reemployed,
6 disabled beneficiary: *Provided further*, That balances of re-
7 imbursements unobligated on September 30, 1996, shall
8 remain available until expended for the payment of com-
9 pensation, benefits, and expenses: *Provided further*, That
10 in addition there shall be transferred to this appropriation
11 from the Postal Service and from any other corporation
12 or instrumentality required under section 8147(c) of title
13 5, United States Code, to pay an amount for its fair share
14 of the cost of administration, such sums as the Secretary
15 of Labor determines to be the cost of administration for
16 employees of such fair share entities through September
17 30, 1997: *Provided further*, That of those funds trans-
18 ferred to this account from the fair share entities to pay
19 the cost of administration, \$11,390,000 shall be made
20 available to the Secretary of Labor for expenditures relat-
21 ing to capital improvements in support of Federal Employ-
22 ees' Compensation Act administration, and the balance of
23 such funds shall be paid into the Treasury as miscellane-
24 ous receipts: *Provided further*, That the Secretary may re-
25 quire that any person filing a notice of injury or a claim

1 for benefits under Subchapter 5, U.S.C., chapter 81, or
2 under subchapter 33, U.S.C. 901, et seq. (the Longshore
3 and Harbor Workers' Compensation Act, as amended),
4 provide as part of such notice and claim, such identifying
5 information (including Social Security account number) as
6 such regulations may prescribe.

7 BLACK LUNG DISABILITY TRUST FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For payments from the Black Lung Disability Trust
10 Fund, \$1,007,644,000, of which \$961,665,000 shall be
11 available until September 30, 1998, for payment of all
12 benefits as authorized by section 9501(d) (1), (2), (4), and
13 (7) of the Internal Revenue Code of 1954, as amended,
14 and interest on advances as authorized by section
15 9501(c)(2) of that Act, and of which \$26,071,000 shall
16 be available for transfer to Employment Standards Ad-
17 ministration, Salaries and Expenses, \$19,621,000 for
18 transfer to Departmental Management, Salaries and Ex-
19 penses, and \$287,000 for transfer to Departmental Man-
20 agement, Office of Inspector General, for expenses of oper-
21 ation and administration of the Black Lung Benefits pro-
22 gram as authorized by section 9501(d)(5)(A) of that Act:
23 *Provided, That*, in addition, such amounts as may be nec-
24 essary may be charged to the subsequent year appropria-
25 tion for the payment of compensation, interest, or other
26 benefits for any period subsequent to August 15 of the

1 current year: *Provided further*, That in addition such
2 amounts shall be paid from this fund into miscellaneous
3 receipts as the Secretary of the Treasury determines to
4 be the administrative expenses of the Department of the
5 Treasury for administering the fund during the current
6 fiscal year, as authorized by section 9501(d)(5)(B) of that
7 Act.

8 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
9 SALARIES AND EXPENSES

10 For necessary expenses for the Occupational Safety
11 and Health Administration, \$325,734,000, including not
12 to exceed \$71,935,000 which shall be the maximum
13 amount available for grants to States under section 23(g)
14 of the Occupational Safety and Health Act, which grants
15 shall be no less than fifty percent of the costs of State
16 occupational safety and health programs required to be
17 incurred under plans approved by the Secretary under sec-
18 tion 18 of the Occupational Safety and Health Act of
19 1970; and, in addition, notwithstanding 31 U.S.C. 3302,
20 the Occupational Safety and Health Administration may
21 retain up to \$750,000 per fiscal year of training institute
22 course tuition fees, otherwise authorized by law to be col-
23 lected, and may utilize such sums for occupational safety
24 and health training and education grants: *Provided*, That,
25 notwithstanding 31 U.S.C. 3302, the Secretary of Labor

1 is authorized, during the fiscal year ending September 30,
2 1997, to collect and retain fees for services provided to
3 Nationally Recognized Testing Laboratories, and may uti-
4 lize such sums, in accordance with the provisions of 29
5 U.S.C. 9a, to administer national and international lab-
6 oratory recognition programs that ensure the safety of
7 equipment and products used by workers in the workplace:
8 *Provided further,* That none of the funds appropriated
9 under this paragraph shall be obligated or expended to
10 prescribe, issue, administer, or enforce any standard, rule,
11 regulation, or order under the Occupational Safety and
12 Health Act of 1970 which is applicable to any person who
13 is engaged in a farming operation which does not maintain
14 a temporary labor camp and employs ten or fewer employ-
15 ees: *Provided further,* That no funds appropriated under
16 this paragraph shall be obligated or expended to admin-
17 ister or enforce any standard, rule, regulation, or order
18 under the Occupational Safety and Health Act of 1970
19 with respect to any employer of ten or fewer employees
20 who is included within a category having an occupational
21 injury lost workday case rate, at the most precise Stand-
22 ard Industrial Classification Code for which such data are
23 published, less than the national average rate as such
24 rates are most recently published by the Secretary, acting

1 through the Bureau of Labor Statistics, in accordance
2 with section 24 of that Act (29 U.S.C. 673), except—

3 (1) to provide, as authorized by such Act, con-
4 sultation, technical assistance, educational and train-
5 ing services, and to conduct surveys and studies;

6 (2) to conduct an inspection or investigation in
7 response to an employee complaint, to issue a cita-
8 tion for violations found during such inspection, and
9 to assess a penalty for violations which are not cor-
10 rected within a reasonable abatement period and for
11 any willful violations found;

12 (3) to take any action authorized by such Act
13 with respect to imminent dangers;

14 (4) to take any action authorized by such Act
15 with respect to health hazards;

16 (5) to take any action authorized by such Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by such Act; and

22 (6) to take any action authorized by such Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under such Act:

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys ten or fewer employees.

5 MINE SAFETY AND HEALTH ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses for the Mine Safety and
8 Health Administration, \$197,810,000, including purchase
9 and bestowal of certificates and trophies in connection
10 with mine rescue and first-aid work, and the hire of pas-
11 senger motor vehicles; the Secretary is authorized to ac-
12 cept lands, buildings, equipment, and other contributions
13 from public and private sources and to prosecute projects
14 in cooperation with other agencies, Federal, State, or pri-
15 vate; the Mine Safety and Health Administration is au-
16 thorized to promote health and safety education and train-
17 ing in the mining community through cooperative pro-
18 grams with States, industry, and safety associations; and
19 any funds available to the Department may be used, with
20 the approval of the Secretary, to provide for the costs of
21 mine rescue and survival operations in the event of a
22 major disaster: *Provided*, That none of the funds appro-
23 priated under this paragraph shall be obligated or ex-
24 pended to carry out section 115 of the Federal Mine Safe-
25 ty and Health Act of 1977 or to carry out that portion

1 of section 104(g)(1) of such Act relating to the enforce-
2 ment of any training requirements, with respect to shell
3 dredging, or with respect to any sand, gravel, surface
4 stone, surface clay, colloidal phosphate, or surface lime-
5 stone mine.

6 BUREAU OF LABOR STATISTICS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Bureau of Labor Sta-
9 tistics, including advances or reimbursements to State,
10 Federal, and local agencies and their employees for serv-
11 ices rendered, \$309,647,000, of which \$16,145,000 shall
12 be for expenses of revising the Consumer Price Index and
13 shall remain available until September 30, 1998, together
14 with not to exceed \$52,053,000, which may be expended
15 from the Employment Security Administration account in
16 the Unemployment Trust Fund.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 For necessary expenses for Departmental Manage-
20 ment, including the hire of three sedans, and including
21 up to \$4,358,000 for the President's Committee on Em-
22 ployment of People With Disabilities, \$142,211,000; to-
23 gether with not to exceed \$297,000, which may be ex-
24 pended from the Employment Security Administration ac-
25 count in the Unemployment Trust Fund: *Provided*, That

1 no funds made available by this Act may be used by the
2 Solicitor of Labor to participate in a review in any United
3 States court of appeals of any decision made by the Bene-
4 fits Review Board under section 21 of the Longshore and
5 Harbor Workers' Compensation Act (33 U.S.C. 921)
6 where such participation is precluded by the decision of
7 the United States Supreme Court in *Director, Office of*
8 *Workers' Compensation Programs v. Newport News Ship-*
9 *building*, 115 S. Ct. 1278 (1995): *Provided further*, That
10 no funds made available by this Act may be used by the
11 Secretary of Labor to review a decision under the
12 Longshore and Harbor Workers' Compensation Act (33
13 U.S.C. 901 et seq.) that has been appealed and that has
14 been pending before the Benefits Review Board for more
15 than 12 months: *Provided further*, That any such decision
16 pending a review by the Benefits Review Board for more
17 than one year shall be considered affirmed by the Benefits
18 Review Board on that date, and shall be considered the
19 final order of the Board for purposes of obtaining a review
20 in the United States courts of appeals: *Provided further*,
21 That these provisions shall not be applicable to the review
22 of any decision issued under the Black Lung Benefits Act
23 (30 U.S.C. 901 et seq.): *Provided further*, That
24 \$1,000,000 shall be for a Commission on Retirement In-
25 come Policy, if authorized.

1 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
2 AND TRAINING

3 Not to exceed \$181,949,000 may be derived from the
4 Employment Security Administration account in the Un-
5 employment Trust Fund to carry out the provisions of 38
6 U.S.C. 4100–4110A and 4321–4327, and Public Law
7 103–353, and which shall be available for obligation by
8 the States through December 31, 1997.

9 OFFICE OF INSPECTOR GENERAL

10 For salaries and expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, \$42,938,000, together
13 with not to exceed \$3,543,000, which may be expended
14 from the Employment Security Administration account in
15 the Unemployment Trust Fund.

16 GENERAL PROVISIONS

17 SEC. 101. None of the funds appropriated in this title
18 for the Job Corps shall be used to pay the compensation
19 of an individual, either as direct costs or any proration
20 as an indirect cost, at a rate in excess of \$125,000.

21 (TRANSFER OF FUNDS)

22 SEC. 102. Not to exceed 1 percent of any discre-
23 tionary funds (pursuant to the Balanced Budget and
24 Emergency Deficit Control Act, as amended) which are
25 appropriated for the current fiscal year for the Depart-
26 ment of Labor in this Act may be transferred between ap-

1 appropriations, but no such appropriation shall be increased
2 by more than 3 percent by any such transfer: *Provided*,
3 That the Appropriations Committees of both Houses of
4 Congress are notified at least fifteen days in advance of
5 any transfer.

6 SEC. 103. Funds shall be available for carrying out
7 title IV–B of the Job Training Partnership Act, notwith-
8 standing section 427(c) of that Act, if a Job Corps center
9 fails to meet national performance standards established
10 by the Secretary.

11 SEC. 104. Effective January 1, 1997, no funds appro-
12 priated or otherwise made available to the Department of
13 Labor in this title shall be disbursed without the approval
14 of the Department’s Chief Financial Officer or his
15 delegatee.

16 **SEC. 105. EXEMPTION OF INMATES FROM THE MINIMUM**
17 **WAGE AND OVERTIME REQUIREMENTS.**

18 (a) IN GENERAL.—Section 13(a) of the Fair Labor
19 Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

20 (1) by striking the period at the end of para-
21 graph (16) and inserting “; or”; and

22 (2) by adding at the end thereof the following
23 new paragraph:

24 “(17) any individual who is an inmate of a penal
25 or other correctional institution, and who partici-

1 pates in a correctional work program that is sanc-
 2 tioned by a Federal or State corrections agency or
 3 that is administered by a nonprofit organization au-
 4 thorized by State law to conduct a correctional work
 5 program on behalf of the State, except that this
 6 paragraph shall not apply to a convict or prisoner
 7 who participates in a prison work pilot program pur-
 8 suant to section 1761(c) of title 18, United States
 9 Code.”.

10 (b) APPLICATION.—The amendment made by sub-
 11 section (a)(2) shall take effect as if enacted on the date
 12 of enactment of the Fair Labor Standards Act of 1938
 13 (29 U.S.C. 201 et seq.).

14 This title may be cited as the “Department of Labor
 15 Appropriations Act, 1997”.

16 TITLE II—DEPARTMENT OF HEALTH AND
 17 HUMAN SERVICES

18 HEALTH RESOURCES AND SERVICES ADMINISTRATION

19 HEALTH RESOURCES AND SERVICES

20 For carrying out titles II, III, VII, VIII, X, XII, XVI,
 21 XIX, and XXVI of the Public Health Service Act, section
 22 427(a) of the Federal Coal Mine Health and Safety Act,
 23 title V of the Social Security Act, and the Health Care
 24 Quality Improvement Act of 1986, as amended, and the
 25 Native Hawaiian Health Care Act of 1988, as amended,

1 \$3,307,019,000, of which \$297,000 shall remain available
2 until expended for interest subsidies on loan guarantees
3 made prior to fiscal year 1981 under part B of title VII
4 of the Public Health Service Act: *Provided*, That the Divi-
5 sion of Federal Occupational Health may utilize personal
6 services contracting to employ professional management/
7 administrative and occupational health professionals: *Pro-*
8 *vided further*, That of the funds made available under this
9 heading, \$2,828,000 shall be available until expended for
10 facilities renovations at the Gillis W. Long Hansen's Dis-
11 ease Center: *Provided further*, That in addition to fees au-
12 thorized by section 427(b) of the Health Care Quality Im-
13 provement Act of 1986, fees shall be collected for the full
14 disclosure of information under the Act sufficient to re-
15 cover the full costs of operating the National Practitioner
16 Data Bank, and shall remain available until expended to
17 carry out that Act: *Provided further*, That no more than
18 \$5,000,000 is available for carrying out the provisions of
19 Public Law 104-73: *Provided further*, That of the funds
20 made available under this heading, \$198,452,000 shall be
21 for the program under title X of the Public Health Service
22 Act to provide for voluntary family planning projects: *Pro-*
23 *vided further*, That amounts provided to said projects
24 under such title shall not be expended for abortions, that
25 all pregnancy counseling shall be nondirective, and that

1 such amounts shall not be expended for any activity (in-
2 cluding the publication or distribution of literature) that
3 in any way tends to promote public support or opposition
4 to any legislative proposal or candidate for public office:
5 *Provided further,* That \$117,000,000 shall be for State
6 AIDS Drug Assistance Programs authorized by section
7 2616 of the Public Health Service Act and shall be distrib-
8 uted to States as authorized by section 2618(b)(2) of such
9 Act: *Provided further,* That notwithstanding any other
10 provision of law, funds made available under this heading
11 may be used to continue operating the Council on Grad-
12 uate Medical Education established by section 301 of Pub-
13 lic Law 102-408: *Provided further,* That, of the funds
14 made available under this heading, not more than
15 \$8,000,000 shall be made available and shall remain avail-
16 able until expended for loan guarantees for loans made
17 by non-Federal lenders for the construction, renovation,
18 and modernization of medical facilities that are owned and
19 operated by health centers funded under part A of title
20 XVI of the Public Health Service Act as amended, and,
21 subject to authorization, for loans made to health centers
22 for the costs of developing and operating managed care
23 networks or plans, and that such funds be available to sub-
24 sidize guarantees of total loan principal in an amount not
25 to exceed \$80,000,000: *Provided further,* That notwith-

1 standing section 502(a)(1) of the Social Security Act, not
2 to exceed \$103,609,000 is available for carrying out spe-
3 cial projects of regional and national significance pursuant
4 to section 501(a)(2) of such Act.

5 MEDICAL FACILITIES GUARANTEE AND LOAN FUND

6 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

7 For carrying out subsections (d) and (e) of section
8 1602 of the Public Health Service Act, \$7,000,000, to-
9 gether with any amounts received by the Secretary in con-
10 nection with loans and loan guarantees under title VI of
11 the Public Health Service Act, to be available without fis-
12 cal year limitation for the payment of interest subsidies.
13 During the fiscal year, no commitments for direct loans
14 or loan guarantees shall be made.

15 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

16 For the cost of guaranteed loans, such sums as may
17 be necessary to carry out the purpose of the program, as
18 authorized by title VII of the Public Health Service Act,
19 as amended: *Provided*, That such costs, including the cost
20 of modifying such loans, shall be as defined in section 502
21 of the Congressional Budget Act of 1974: *Provided fur-*
22 *ther*, That these funds are available to subsidize gross obli-
23 gations for the total loan principal any part of which is
24 to be guaranteed at not to exceed \$140,000,000. In addi-
25 tion, for administrative expenses to carry out the guaran-
26 teed loan program, \$2,688,000.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

2 For payments from the Vaccine Injury Compensation
3 Program Trust Fund, such sums as may be necessary for
4 claims associated with vaccine-related injury or death with
5 respect to vaccines administered after September 30,
6 1988, pursuant to subtitle 2 of title XXI of the Public
7 Health Service Act, to remain available until expended:
8 *Provided*, That for necessary administrative expenses, not
9 to exceed \$3,000,000 shall be available from the Trust
10 Fund to the Secretary of Health and Human Services.

11 VACCINE INJURY COMPENSATION

12 For payment of claims resolved by the United States
13 Court of Federal Claims related to the administration of
14 vaccines before October 1, 1988, \$110,000,000, to remain
15 available until expended.

16 CENTERS FOR DISEASE CONTROL AND PREVENTION

17 DISEASE CONTROL, RESEARCH, AND TRAINING

18 To carry out titles II, III, VII, XI, XV, XVII, and
19 XIX of the Public Health Service Act, sections 101, 102,
20 103, 201, 202, 203, 301, and 501 of the Federal Mine
21 Safety and Health Act of 1977, and sections 20, 21 and
22 22 of the Occupational Safety and Health Act of 1970,
23 title IV of the Immigration and Nationality Act and sec-
24 tion 501 of the Refugee Education Assistance Act of 1980;
25 including insurance of official motor vehicles in foreign
26 countries; and hire, maintenance, and operation of air-

1 craft, \$2,257,698,000, of which \$30,553,000 shall remain
2 available until expended for equipment and construction
3 and renovation of facilities, and of which \$32,000,000
4 shall remain available until September 30, 1998 for mine
5 safety and health activities, and in addition, such sums
6 as may be derived from authorized user fees, which shall
7 be credited to this account: *Provided*, That in addition to
8 amounts provided herein, up to \$48,400,000 shall be
9 available from amounts available under section 241 of the
10 Public Health Service Act, to carry out the National Cen-
11 ter for Health Statistics surveys: *Provided further*, That
12 none of the funds made available for injury prevention and
13 control at the Centers for Disease Control and Prevention
14 may be used to advocate or promote gun control: *Provided*
15 *further*, That the Director may redirect the total amount
16 made available under authority of Public Law 101-502,
17 section 3, dated November 3, 1990, to activities the Direc-
18 tor may so designate: *Provided further*, That the Congress
19 is to be notified promptly of any such transfer: *Provided*
20 *further*, That the functions described in clause (1) of the
21 first proviso under the subheading “MINES AND MIN-
22 ERALS” under the heading “BUREAU OF MINES” in the
23 text of title I of the Department of the Interior and Relat-
24 ed Agencies Appropriations Act, 1996, as enacted by sec-
25 tion 101(c) of the Omnibus Consolidated Rescissions and

1 Appropriations Act of 1996 (Public Law 104–134), are
2 hereby transferred to, and vested in, the Secretary of
3 Health and Human Services, subject to section 1531 of
4 title 31, United States Code: *Provided further*, That of the
5 amount provided, \$23,000,000 is designated by Congress
6 as an emergency requirement pursuant to section
7 251(b)(2)(D)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, as amended.

9 In addition, \$41,000,000, to be derived from the Vio-
10 lent Crime Reduction Trust Fund, for carrying out sec-
11 tions 40151 and 40261 of Public Law 103–322.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to cancer,
16 \$2,157,549,000.

17 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to cardiovascular, lung,
20 and blood diseases, and blood and blood products,
21 \$1,371,415,000.

22 NATIONAL INSTITUTE OF DENTAL RESEARCH

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to dental disease,
25 \$183,065,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to diabetes and diges-
5 tive and kidney diseases, \$803,264,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to neurological dis-
10 orders and stroke, \$701,901,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to allergy and infec-
15 tious diseases, \$609,277,000.

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to general medical
19 sciences, \$970,775,000.

20 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
21 DEVELOPMENT

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to child health and
24 human development, \$567,334,000.

1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to eye diseases and
4 visual disorders, \$323,279,000.

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

7 For carrying out sections 301 and 311 and title IV
8 of the Public Health Service Act with respect to environ-
9 mental health sciences, \$302,330,000.

10 NATIONAL INSTITUTE ON AGING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to aging,
13 \$484,193,000.

14 NATIONAL INSTITUTE OF ARTHRITIS AND
15 MUSCULOSKELETAL AND SKIN DISEASES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to arthritis and mus-
18 culoskeletal and skin diseases, \$252,838,000.

19 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
20 COMMUNICATION DISORDERS

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to deafness and other
23 communication disorders, \$186,602,000.

1 NATIONAL INSTITUTE OF NURSING RESEARCH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to nursing research,
4 \$54,243,000.

5 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
6 ALCOHOLISM

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to alcohol abuse and
9 alcoholism, \$200,948,000.

10 NATIONAL INSTITUTE ON DRUG ABUSE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to drug abuse,
13 \$328,517,000.

14 NATIONAL INSTITUTE OF MENTAL HEALTH

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to mental health,
17 \$604,633,000.

18 NATIONAL CENTER FOR RESEARCH RESOURCES

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to research resources
21 and general research support grants, \$341,044,000: *Pro-*
22 *vided*, That none of these funds shall be used to pay recipi-
23 ents of the general research support grants program any
24 amount for indirect expenses in connection with such
25 grants: *Provided further*, That \$25,000,000 shall be for
26 extramural facilities construction grants.

1 NATIONAL CENTER FOR HUMAN GENOME RESEARCH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to human genome re-
4 search, \$186,651,000.

5 JOHN E. FOGARTY INTERNATIONAL CENTER

6 For carrying out the activities at the John E.
7 Fogarty International Center, \$16,270,000.

8 NATIONAL LIBRARY OF MEDICINE

9 For carrying out section 301 and title IV of the Pub-
10 lic Health Service Act with respect to health information
11 communications, \$147,738,000, of which \$4,000,000 shall
12 be available until expended for improvement of informa-
13 tion systems: *Provided*, That in fiscal year 1997, the Li-
14 brary may enter into personal services contracts for the
15 provision of services in facilities owned, operated, or con-
16 structed under the jurisdiction of the National Institutes
17 of Health.

18 OFFICE OF THE DIRECTOR

19 (INCLUDING TRANSFER OF FUNDS)

20 For carrying out the responsibilities of the Office of
21 the Director, National Institutes of Health, \$251,617,000:
22 *Provided*, That funding shall be available for the purchase
23 of not to exceed five passenger motor vehicles for replace-
24 ment only: *Provided further*, That the Director may direct
25 up to 1 percent of the total amount made available in this
26 Act to all National Institutes of Health appropriations to

1 activities the Director may so designate: *Provided further*,
2 That no such appropriation shall be increased or de-
3 creased by more than 1 percent by any such transfers and
4 that the Congress is promptly notified of the transfer: *Pro-*
5 *vided further*, That NIH is authorized to collect third
6 party payments for the cost of clinical services that are
7 incurred in National Institutes of Health research facili-
8 ties and that such payments shall be credited to the Na-
9 tional Institutes of Health Management Fund: *Provided*
10 *further*, That all funds credited to the NIH Management
11 Fund shall remain available for one fiscal year after the
12 fiscal year in which they are deposited: *Provided further*,
13 That up to \$200,000 shall be available to carry out section
14 499 of the Public Health Service Act.

15 BUILDINGS AND FACILITIES

16 For the study of, construction of, and acquisition of
17 equipment for, facilities of or used by the National Insti-
18 tutes of Health, including the acquisition of real property,
19 \$200,000,000, to remain available until expended, of
20 which \$90,000,000 shall be for the clinical research cen-
21 ter: *Provided*, That, notwithstanding any other provision
22 of law, a single contract or related contracts for the devel-
23 opment and construction of the clinical research center
24 may be employed which collectively include the full scope
25 of the project: *Provided further*, That the solicitation and

1 contract shall contain the clause “availability of funds”
2 found at 48 CFR 52.232–18.

3 OFFICE OF AIDS RESEARCH
4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out part D of title XXIII of the Public
6 Health Service Act, \$1,501,720,000: *Provided*, That the
7 Director of the Office of AIDS Research shall transfer
8 from this appropriation the amounts necessary to carry
9 out section 2353(d) of the Act.

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
11 ADMINISTRATION

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 For carrying out titles V and XIX of the Public
14 Health Service Act with respect to substance abuse and
15 mental health services, the Protection and Advocacy for
16 Mentally Ill Individuals Act of 1986, and section 301 of
17 the Public Health Service Act with respect to program
18 management, \$2,099,934,000, of which \$5,000,000 shall
19 be for grants to rural and Native American projects.

20 RETIREMENT PAY AND MEDICAL BENEFITS FOR
21 COMMISSIONED OFFICERS

22 For retirement pay and medical benefits of Public
23 Health Service Commissioned Officers as authorized by
24 law, and for payments under the Retired Serviceman’s
25 Family Protection Plan and Survivor Benefit Plan and for
26 medical care of dependents and retired personnel under

1 the Dependents' Medical Care Act (10 U.S.C. ch. 55), and
2 for payments pursuant to section 229(b) of the Social Se-
3 curity Act (42 U.S.C. 429(b)), such amounts as may be
4 required during the current fiscal year.

5 AGENCY FOR HEALTH CARE POLICY AND RESEARCH
6 HEALTH CARE POLICY AND RESEARCH

7 For carrying out titles III and IX of the Public
8 Health Service Act, and part A of title XI of the Social
9 Security Act, \$96,175,000; in addition, amounts received
10 from Freedom of Information Act fees, reimbursable and
11 interagency agreements, and the sale of data tapes shall
12 be credited to this appropriation and shall remain avail-
13 able until expended: *Provided*, That the amount made
14 available pursuant to section 926(b) of the Public Health
15 Service Act shall not exceed \$47,412,000.

16 HEALTH CARE FINANCING ADMINISTRATION
17 GRANTS TO STATES FOR MEDICAID

18 For carrying out, except as otherwise provided, titles
19 XI and XIX of the Social Security Act, \$75,056,618,000,
20 to remain available until expended.

21 For making, after May 31, 1997, payments to States
22 under title XIX of the Social Security Act for the last
23 quarter of fiscal year 1997 for unanticipated costs, in-
24 curred for the current fiscal year, such sums as may be
25 necessary.

1 For making payments to States under title XIX of
2 the Social Security Act for the first quarter of fiscal year
3 1998, \$27,988,993,000, to remain available until ex-
4 pended.

5 Payment under title XIX may be made for any quar-
6 ter with respect to a State plan or plan amendment in
7 effect during such quarter, if submitted in or prior to such
8 quarter and approved in that or any subsequent quarter.

9 PAYMENTS TO HEALTH CARE TRUST FUNDS

10 For payment to the Federal Hospital Insurance and
11 the Federal Supplementary Medical Insurance Trust
12 Funds, as provided under sections 217(g) and 1844 of the
13 Social Security Act, sections 103(e) and 111(d) of the So-
14 cial Security Amendments of 1965, section 278(d) of Pub-
15 lic Law 97-248, and for administrative expenses incurred
16 pursuant to section 201(g) of the Social Security Act,
17 \$60,079,000,000.

18 PROGRAM MANAGEMENT

19 For carrying out, except as otherwise provided, titles
20 XI, XVIII, and XIX of the Social Security Act, title XIII
21 of the Public Health Service Act, and the Clinical Labora-
22 tory Improvement Amendments of 1988, not to exceed
23 \$1,735,125,000, to be transferred from the Federal Hos-
24 pital Insurance and the Federal Supplementary Medical
25 Insurance Trust Funds, as authorized by section 201(g)
26 of the Social Security Act; together with all funds collected

1 in accordance with section 353 of the Public Health Serv-
 2 ice Act, the latter funds to remain available until ex-
 3 pended, together with such sums as may be collected from
 4 authorized user fees and the sale of data, which shall re-
 5 main available until expended: *Provided*, That all funds
 6 derived in accordance with 31 U.S.C. 9701 from organiza-
 7 tions established under title XIII of the Public Health
 8 Service Act are to be credited to and available for carrying
 9 out the purposes of this appropriation.

10 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 11 GUARANTEE FUND

12 For carrying out subsections (d) and (e) of section
 13 1308 of the Public Health Service Act, any amounts re-
 14 ceived by the Secretary in connection with loans and loan
 15 guarantees under title XIII of the Public Health Service
 16 Act, to be available without fiscal year limitation for the
 17 payment of outstanding obligations. During fiscal year
 18 1997, no commitments for direct loans or loan guarantees
 19 shall be made.

20 ADMINISTRATION FOR CHILDREN AND FAMILIES
 21 FAMILY SUPPORT PAYMENTS TO STATES

22 For making payments to States or other non-Federal
 23 entities, except as otherwise provided, under titles I, IV-
 24 A (other than section 402(g)(6)) and D, X, XI, XIV, and
 25 XVI of the Social Security Act, and the Act of July 5,
 26 1960 (24 U.S.C. ch. 9), \$13,301,000,000.

1 For making, after May 31 of the current fiscal year,
2 payments to States or other non-Federal entities under
3 titles I, IV–A and D, X, XI, XIV, and XVI of the Social
4 Security Act, for the last three months of the current year
5 for unanticipated costs, incurred for the current fiscal
6 year, such sums as may be necessary.

7 JOB OPPORTUNITIES AND BASIC SKILLS

8 For carrying out aid to families with dependent chil-
9 dren work programs, as authorized by part F of title IV
10 of the Social Security Act, \$1,000,000,000.

11 LOW INCOME HOME ENERGY ASSISTANCE

12 For making payments under title XXVI of the Omni-
13 bus Budget Reconciliation Act of 1981, \$700,000,000, to-
14 gether with \$300,000,000 appropriated under this head-
15 ing in Public Law 104–134: *Provided*, That the provisions
16 under this heading in Public Law 104–134 designating
17 the \$300,000,000 by Congress to be emergency require-
18 ments pursuant to section 251(b)(2)(D) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985 and
20 providing that these funds shall be made available only
21 after submission to Congress of a formal budget request
22 by the President that includes designation of the entire
23 amount of the request as an emergency requirement as
24 defined in the Balanced Budget and Emergency Deficit
25 Control Act of 1985, are hereby repealed.

1 For making payments under title XXVI of the Omni-
2 bus Budget Reconciliation Act of 1981, \$300,000,000 to
3 be available for obligation in the period of October 1, 1996
4 through September 30, 1997: *Provided*, That all of the
5 funds available under this paragraph are hereby des-
6 ignated by Congress to be emergency requirements pursu-
7 ant to section 251(b)(2)(D) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985: *Provided further*,
9 That these funds shall be made available only after sub-
10 mission to Congress of a formal budget request by the
11 President that includes designation of the entire amount
12 of the request as an emergency requirement as defined in
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 For making payments under title XXVI of the Omni-
16 bus Budget Reconciliation Act of 1981, \$1,000,000,000,
17 to be available for obligation in the period October 1, 1997
18 through September 30, 1998.

19 REFUGEE AND ENTRANT ASSISTANCE

20 For making payments for refugee and entrant assist-
21 ance activities authorized by title IV of the Immigration
22 and Nationality Act and section 501 of the Refugee Edu-
23 cation Assistance Act of 1980 (Public Law 96-422),
24 \$412,076,000: *Provided*, That funds appropriated pursu-
25 ant to section 414(a) of the Immigration and Nationality
26 Act under Public Law 103-333 for fiscal year 1995 shall

1 be available for the costs of assistance provided and other
2 activities conducted in such year and in fiscal years 1996
3 and 1997.

4 CHILD CARE AND DEVELOPMENT BLOCK GRANT

5 For carrying out sections 658A through 658R of the
6 Omnibus Budget Reconciliation Act of 1981 (The Child
7 Care and Development Block Grant Act of 1990),
8 \$956,120,000, of which \$937,000,000 shall become avail-
9 able on October 1, 1997, and shall remain available
10 through September 30, 1998: *Provided*, That \$19,120,000
11 shall become available for obligation on October 1, 1996
12 for child care resource and referral and school-age child
13 care activities, of which, \$6,120,000 shall be derived from
14 an amount that shall be transferred from the amount ap-
15 propriated under section 452(j) of the Social Security Act
16 (42 U.S.C. 652(j)) for fiscal year 1996 and remaining
17 available for expenditure.

18 SOCIAL SERVICES BLOCK GRANT

19 For making grants to States pursuant to section
20 2002 of the Social Security Act, \$2,380,000,000: *Pro-*
21 *vided*, That notwithstanding section 2003(c) of such Act,
22 as amended, the amount specified for allocation under
23 such section for fiscal year 1997 shall be \$2,380,000,000.

1 CHILDREN AND FAMILIES SERVICES PROGRAMS
2 (INCLUDING RESCISSION)

3 For carrying out, except as otherwise provided, the
4 Runaway and Homeless Youth Act, the Developmental
5 Disabilities Assistance and Bill of Rights Act, the Head
6 Start Act, the Child Abuse Prevention and Treatment Act,
7 the Temporary Child Care for Children with Disabilities
8 and Crisis Nurseries Act of 1986, section 429A, part B
9 of title IV of the Social Security Act, section 413 of the
10 Social Security Act, the Family Violence Prevention and
11 Services Act, the Native American Programs Act of 1974,
12 title II of Public Law 95–266 (adoption opportunities),
13 the Abandoned Infants Assistance Act of 1988, and part
14 B(1) of title IV of the Social Security Act; for making
15 payments under the Community Services Block Grant Act;
16 and for necessary administrative expenses to carry out
17 said Acts and titles I, IV, X, XI, XIV, XVI, and XX of
18 the Social Security Act, the Act of July 5, 1960 (24
19 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of
20 1981, title IV of the Immigration and Nationality Act, sec-
21 tion 501 of the Refugee Education Assistance Act of 1980,
22 and section 126 and titles IV and V of Public Law 100–
23 485, \$5,328,569,000, of which \$536,432,000 shall be for
24 making payments under the Community Services Block
25 Grant Act: *Provided*, That to the extent Community Serv-
26 ices Block Grant funds are distributed as grant funds by

1 a State to an eligible entity as provided under the Act,
2 and have not been expended by such entity, they shall re-
3 main with such entity for carryover into the next fiscal
4 year for expenditure by such entity consistent with pro-
5 gram purposes: *Provided further*, That of the amount ap-
6 propriated for fiscal year 1997 under section 672(a) of
7 the Community Services Block Grant Act, the Secretary
8 shall use up to one percent of the funds available to cor-
9 rect allocation errors that occurred in fiscal year 1995 and
10 fiscal year 1996 to ensure that the minimum allotment
11 to each State for each of fiscal years 1995 and 1996 would
12 be \$2,222,460: *Provided further*, That no more than one-
13 half of one percent of the funds available under section
14 672(a) shall be used for the purposes of section 674(a)
15 of the Community Services Block Grant Act.

16 In addition, \$20,000,000, to be derived from the Vio-
17 lent Crime Reduction Trust Fund, for carrying out sec-
18 tions 40155, 40211 and 40241 of Public Law 103-322.

19 Funds appropriated for fiscal year 1996 and fiscal
20 year 1997 under section 429A(e), part B of title IV of
21 the Social Security Act shall be reduced by \$6,000,000
22 in each such year.

23 Funds appropriated for fiscal year 1997 under sec-
24 tion 413(h)(1) of the Social Security Act shall be reduced
25 by \$15,000,000.

1 FAMILY PRESERVATION AND SUPPORT

2 For carrying out section 430 of the Social Security
3 Act, \$240,000,000.

4 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
5 ASSISTANCE

6 For making payments to States or other non-Federal
7 entities, under title IV–E of the Social Security Act,
8 \$4,445,031,000.

9 For making payments to States or other non-Federal
10 entities, under title IV–E of the Social Security Act, for
11 the first quarter of fiscal year 1998, \$1,111,000,000.

12 ADMINISTRATION ON AGING

13 AGING SERVICES PROGRAMS

14 For carrying out, to the extent not otherwise pro-
15 vided, the Older Americans Act of 1965, as amended,
16 \$830,168,000: *Provided*, That notwithstanding section
17 308(b)(1) of such Act, the amounts available to each State
18 for administration of the State plan under title III of such
19 Act shall be reduced not more than 5 percent below the
20 amount that was available to such State for such purpose
21 for fiscal year 1995: *Provided further*, That in considering
22 grant applications for nutrition services for elder Indian
23 recipients, the Assistant Secretary shall provide maximum
24 flexibility to applicants who seek to take into account sub-
25 sistence, local customs and other characteristics that are
26 appropriate to the unique cultural, regional and geo-

1 graphic needs of the American Indian, Alaskan and Ha-
2 waiian native communities to be served.

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
6 general departmental management, including hire of six
7 sedans, and for carrying out titles III, XVII, and XX of
8 the Public Health Service Act, \$173,423,000, together
9 with \$5,851,000, to be transferred and expended as au-
10 thorized by section 201(g)(1) of the Social Security Act
11 from the Hospital Insurance Trust Fund and the Supple-
12 mental Medical Insurance Trust Fund: *Provided*, That of
13 the funds made available under this heading for carrying
14 out title XVII of the Public Health Service Act,
15 \$11,500,000 shall be available until expended for extra-
16 mural construction: *Provided further*, That notwithstand-
17 ing section 2010(b) and (c) under title XX of the Public
18 Health Service Act, as amended, of the funds made avail-
19 able under this heading, \$10,879,000 shall be for activities
20 specified under section 2003(b)(2) of title XX of the Pub-
21 lic Health Service Act, as amended, and of which
22 \$9,011,000 shall be for prevention grants under section
23 510(b)(2) of title V of the Social Security Act, as amend-
24 ed: *Provided further*, That of the amount provided,
25 \$5,775,000 is designated by Congress as an emergency re-

1 quirement pursuant to section 251(b)(2)(I)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985,
3 as amended.

4 OFFICE OF INSPECTOR GENERAL

5 For expenses necessary for the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$29,399,000, together
8 with any funds, to remain available until expended, that
9 represent the equitable share from the forfeiture of prop-
10 erty in investigations in which the Office of Inspector Gen-
11 eral participated, and which are transferred to the Office
12 of the Inspector General by the Department of Justice,
13 the Department of the Treasury, or the United States
14 Postal Service.

15 OFFICE FOR CIVIL RIGHTS

16 For expenses necessary for the Office for Civil
17 Rights, \$16,216,000, together with not to exceed
18 \$3,314,000, to be transferred and expended as authorized
19 by section 201(g)(1) of the Social Security Act from the
20 Hospital Insurance Trust Fund and the Supplemental
21 Medical Insurance Trust Fund.

22 POLICY RESEARCH

23 For carrying out, to the extent not otherwise pro-
24 vided, research studies under section 1110 of the Social
25 Security Act, \$9,000,000.

1 Aging under the Older Americans Act or the Advisory
2 Board on Child Abuse and Neglect under the Child Abuse
3 Prevention and Treatment Act.

4 (TRANSFER OF FUNDS)

5 SEC. 209. Not to exceed 1 percent of any discre-
6 tionary funds (pursuant to the Balanced Budget and
7 Emergency Deficit Control Act, as amended) which are
8 appropriated for the current fiscal year for the Depart-
9 ment of Health and Human Services in this Act may be
10 transferred between appropriations, but no such appro-
11 priation shall be increased by more than 3 percent by any
12 such transfer: *Provided*, That the Appropriations Commit-
13 tees of both Houses of Congress are notified at least fif-
14 teen days in advance of any transfer.

15 (TRANSFER OF FUNDS)

16 SEC. 210. The Director of the National Institutes of
17 Health, jointly with the Director of the Office of AIDS
18 Research, may transfer up to 3 percent among institutes,
19 centers, and divisions from the total amounts identified
20 by these two Directors as funding for research pertaining
21 to the human immunodeficiency virus: *Provided*, That the
22 Congress is promptly notified of the transfer.

23 SEC. 213. (a) The Secretary of Health and Human
24 Services may in accordance with this section provide for
25 the relocation of the Federal facility known as the Gillis
26 W. Long Hansen's Disease Center (located in the vicinity

1 of Carville, in the State of Louisiana), including the relo-
2 cation of the patients of the Center.

3 (b)(1) Subject to entering into a contract in accord-
4 ance with subsection (c), in relocating the Center the Sec-
5 retary may on behalf of the United States transfer to the
6 State of Louisiana, without charge, title to the real prop-
7 erty and improvements that (as of the date of the enact-
8 ment of this Act) constitute the Center. Such real property
9 is a parcel consisting of approximately 330 acres. The
10 exact acreage and legal description used for purposes of
11 the transfer shall be in accordance with a survey satisfac-
12 tory to the Secretary.

13 (2) Any conveyance under paragraph (1) is not effec-
14 tive unless the conveyance specifies that, if the State of
15 Louisiana engages in a material breach of the contract
16 under subsection (c), title to the real property and im-
17 provements involved reverts to the United States at the
18 election of the Secretary.

19 (c) The transfer described in subsection (b) may be
20 made only if, before the transfer is made, the Secretary
21 and the State enter into a contract whose provisions are
22 in accordance with the following:

23 (1) During the 30-year period beginning on the
24 date on which the transfer is made, the real property
25 and improvements referred to in subsection (b) (re-

1 ferred to in this subsection as the “transferred prop-
2 erty”) will be used exclusively for purposes that pro-
3 mote the health or education of the public, with such
4 incidental exceptions as the Secretary may approve,
5 and consistent with the memorandum of understand-
6 ing signed June 11, 1996 by the Chancellors of Lou-
7 isiana State University and Southern University.

8 (2) For purposes of monitoring the extent to
9 which the transferred property is being used in ac-
10 cordance with paragraph (1), the Secretary will have
11 access to such documents as the Secretary deter-
12 mines to be necessary, and the Secretary may re-
13 quire the advance approval of the Secretary for such
14 contracts, conveyances of real or personal property,
15 or other transactions as the Secretary determines to
16 be necessary.

17 (3) The relocation of patients from the trans-
18 ferred property will be completed not later than 3
19 years after the date on which the transfer is made,
20 except to the extent the Secretary determines that
21 relocating particular patients is not feasible. During
22 the period of relocation, the Secretary will have un-
23 restricted access to the transferred property, and
24 after such period will have such access as may be

1 necessary with respect to the patients who pursuant
2 to the preceding sentence are not relocated.

3 (4) The Secretary will provide for the continu-
4 ation at the transferred property of the projects (un-
5 derway as of the date of the enactment of this Act)
6 to make repairs and to make energy-related improve-
7 ments, subject to the availability of appropriations to
8 carry out the projects.

9 (5) The contract disposes of issues regarding
10 access to the cemetery located on the transferred
11 property, and the establishment of a museum re-
12 garding memorabilia relating to the use of the prop-
13 erty to care for patients with Hansen's disease.

14 (6) In the case of each individual who as of the
15 date of the enactment of this Act is a Federal em-
16 ployee at the transferred property with management,
17 engineering, or dietary duties:

18 (A) The State will provide the individual
19 with the right of first refusal to an employment
20 position with the State with substantially the
21 same type of duties as the individual performed
22 in his or her most recent position at the trans-
23 ferred property.

24 (B) If the individual becomes an employee
25 of the State pursuant to subparagraph (A), the

1 State will make payments in accordance with
2 subsection (d)(3)(B) (relating to disability), as
3 applicable with respect to the individual.

4 (7) The contract contains such additional provi-
5 sions as the Secretary determines to be necessary to
6 protect the interests of the United States, and the
7 Secretary shall have final approval over the terms
8 of the contract.

9 (d)(1) This subsection applies if the transfer under
10 subsection (b) is made.

11 (2) In the case of each individual who as of the date
12 of the enactment of this Act is a Federal employee with
13 a position at the Center and is, for duty at the Center,
14 receiving the pay differential under section 5545(d) of title
15 5, United States Code:

16 (A) If as of the date of the transfer under sub-
17 section (b) the individual is eligible for an annuity
18 under section 8336 or 8412 of title 5, United States
19 Code, then once the individual separates from the
20 service and thereby becomes entitled to receive the
21 annuity, the pay differential shall be excluded from
22 the computation of the annuity unless the individual
23 separated from the service not later than 30 days
24 after the date on which the transfer was made.

1 (B) If the individual is not eligible for such an
2 annuity as of the date of the transfer under sub-
3 section (b) but subsequently does become eligible,
4 then once the individual separates from the service
5 and thereby becomes entitled to receive the annuity,
6 the pay differential shall be excluded from the com-
7 putation of the annuity unless the individual sepa-
8 rated from the service not later than 30 days after
9 the date on which the individual first became eligible
10 for the annuity.

11 (C) For purposes of this paragraph, the individ-
12 ual is eligible for the annuity if the individual meets
13 all conditions under such section 8336 or 8412 to be
14 entitled to the annuity, except the condition that the
15 individual be separated from the service.

16 (3) In the case of each individual who as of the date
17 of the enactment of this Act is a Federal employee at the
18 Center with management, engineering, or dietary duties,
19 and who becomes an employee of the State pursuant to
20 subsection (e)(6)(A):

21 (A) The provisions of subchapter III of chapter
22 83 of title 5, United States Code, or of chapter 84
23 of such title, whichever is applicable, that relate to
24 disability shall be considered to remain in effect with

1 respect to the individual (subject to subparagraph
2 (C)) until the earlier of—

3 (i) the expiration of the 2-year period be-
4 ginning on the date on which the transfer under
5 subsection (b) is made; or

6 (ii) the date on which the individual first
7 meets all conditions for coverage under a State
8 program for payments during retirement by
9 reason of disability.

10 (B) The payments to be made by a State pur-
11 suant to subsection (c)(6)(B) with respect to the in-
12 dividual are payments to the Civil Service Retire-
13 ment and Disability Fund, if the individual is receiv-
14 ing Federal disability coverage pursuant to subpara-
15 graph (A). Such payments are to be made in a total
16 amount equal to that portion of the normal-cost per-
17 centage (determined through the use of dynamic as-
18 sumptions) of the basic pay of the individual that is
19 allocable to such coverage and is paid for service
20 performed during the period for which such coverage
21 is in effect. Such amount is to be determined in ac-
22 cordance with chapter 84 of such title 5, is to be
23 paid at such time and in such manner as mutually
24 agreed by the State and the Office of Personnel

1 Management, and is in lieu of individual or agency
2 contributions otherwise required.

3 (C) In the determination pursuant to subpara-
4 graph (A) of whether the individual is eligible for
5 Federal disability coverage (during the applicable pe-
6 riod of time under such subparagraph), service as an
7 employee of the State after the date of the transfer
8 under subsection (b) shall be counted toward the
9 service requirement specified in the first sentence of
10 section 8337(a) or 8451(a)(1)(A) of such title 5
11 (whichever is applicable).

12 (e) The following provisions apply if under subsection
13 (a) the Secretary makes the decision to relocate the Cen-
14 ter:

15 (1) The site to which the Center is relocated
16 shall be in the vicinity of Baton Rouge, in the State
17 of Louisiana.

18 (2) The facility involved shall continue to be
19 designated as the Gillis W. Long Hansens's Disease
20 Center.

21 (3) The Secretary shall make reasonable efforts
22 to inform the patients of the Center with respect to
23 the planning and carrying out of the relocation.

24 (4) In the case of each individual who as of Oc-
25 tober 1, 1996, is a patient of the Center and is re-

1 ceiving long-term care (referred to in this subsection
2 as an “eligible patient”), the Secretary shall con-
3 tinue to provide for the long-term care of the eligible
4 patient, without charge, for the remainder of the life
5 of the patient. Of the amounts appropriated for a
6 fiscal year for the Public Health Service, the Sec-
7 retary shall make available such amounts as may be
8 necessary to carry out the preceding sentence.

9 (5) Except in the case of an eligible patient for
10 whom it is not feasible to relocate for purposes of
11 subsection (c)(3), each eligible patient may make an
12 irrevocable choice of one of the following long-term
13 care options:

14 (A) For the remainder of his or her life,
15 the patient may reside at the Center.

16 (B) For the remainder of his or her life,
17 the patient may elect to receive payments each
18 year in an annual amount of \$33,000 (adjusted
19 for fiscal year 1998 and each subsequent fiscal
20 year to the extent necessary to offset inflation
21 occurring after October 1, 1996), which pay-
22 ments are in complete discharge of the obliga-
23 tion of the Federal Government under para-
24 graph (4). If the individual makes the election
25 under the preceding sentence, the Federal Gov-

1 ernment does not under such paragraph have
2 any responsibilities regarding the daily life of
3 the patient, other than making such payments.

4 (6) The Secretary shall provide to each eligible
5 patient such information and time as may be nec-
6 essary for the patient to make an informed decision
7 regarding the options under paragraph (5).

8 (f) For purposes of this section:

9 (1) The term “Center” means the Gillis W.
10 Long Hansen’s Disease Center.

11 (2) The term “Secretary” means the Secretary
12 of Health and Human Services.

13 (3) The term “State” means the State of Lou-
14 isiana.

15 (g) Section 320 of the Public Health Service Act (42
16 U.S.C. 247e) is amended by striking the section designa-
17 tion and all that follows and inserting the following:

18 “SEC. 320. (a)(1) At the Gillis W. Long Hansen’s
19 Disease Center (located in the State of Louisiana), the
20 Secretary shall without charge provide short-term care
21 and treatment, including outpatient care, for Hansen’s
22 disease and related complications to any person deter-
23 mined by the Secretary to be in need of such care and
24 treatment.

1 “(2) The Center referred to in paragraph (1) shall
2 conduct training in the diagnosis and management of
3 Hansen’s disease and conduct and promote the coordina-
4 tion of research, investigations, demonstrations, and stud-
5 ies relating to the causes, diagnosis, treatment, control,
6 and prevention of Hansen’s disease and the complications
7 of such disease.

8 “(3) Paragraph (1) is subject to section 213 of the
9 Department of Health and Human Services Appropria-
10 tions Act, 1997.

11 “(b) In addition to the Center referred to in sub-
12 section (a), the Secretary may establish sites regarding
13 persons with Hansen’s disease. Each such site shall pro-
14 vide for the outpatient care and treatment for Hansen’s
15 disease to any person determined by the Secretary to be
16 in need of such care and treatment.

17 “(c) The Secretary shall make payments to the Board
18 of Health of the State of Hawaii for the care and treat-
19 ment (including outpatient care) in its facilities of persons
20 suffering from Hansen’s disease at a rate determined by
21 the Secretary. The rate shall be approximately equal to
22 the operating cost per patient of such facilities, except that
23 the rate may not exceed the comparable costs per patient
24 with Hansen’s disease for care and treatment provided by
25 the Center referred to in subsection (a). Payments under

1 this subsection are subject to the availability of appropria-
2 tions for such purpose.”.

3 SEC. 215. Amounts available in this title for congres-
4 sional and legislative affairs, public affairs, and intergov-
5 ernmental affairs activities are hereby reduced by
6 \$2,000,000.

7 SEC. 216. Not later than January 1, 1997, the Ad-
8 ministrator of the Health Care Financing Administration,
9 with the advice and technical assistance of the Agency for
10 Health Care Policy Research, shall transmit to the appro-
11 priate committees of the Congress a report including—

12 (1) a review of all available studies and re-
13 search data on the treatment of end-stage emphy-
14 sema and chronic obstructive pulmonary disease by
15 both unilateral and bilateral lung volume reduction
16 surgery, involving both invasive and noninvasive sur-
17 gery and supplemental surgical methods, including
18 laser applications; and

19 (2) a recommendation, based on such review, as
20 to the appropriateness of Medicare coverage of such
21 procedures and the conditions, if necessary, that fa-
22 cilities and physicians should be required to meet, to
23 ensure the efficacy of such procedures, as more de-
24 tailed clinical studies are conducted.

1 That \$6,191,350,000 shall be available for basic grants
2 under section 1124: *Provided further*, That up to
3 \$3,500,000 of these funds shall be available to the Sec-
4 retary on October 1, 1996, to obtain updated local-edu-
5 cational-agency-level census poverty data from the Bureau
6 of the Census: *Provided further*, That \$999,249,000 shall
7 be available for concentration grants under section
8 1124(A) and \$7,000,000 shall be available for evaluations
9 under section 1501.

10 IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 Elementary and Secondary Education Act of 1965,
14 \$730,000,000, of which \$615,500,000 shall be for basic
15 support payments under section 8003(b), \$40,000,000
16 shall be for payments for children with disabilities under
17 section 8003(d), \$52,000,000, to remain available until
18 expended, shall be for payments under section 8003(f),
19 \$5,000,000 shall be for construction under section 8007,
20 and \$17,500,000 shall be for Federal property payments
21 under section 8002.

22 SCHOOL IMPROVEMENT PROGRAMS

23 For carrying out school improvement activities au-
24 thorized by titles II, IV-A-1, V-A and B, VI, IX, X and
25 XIII of the Elementary and Secondary Education Act of
26 1965; the Stewart B. McKinney Homeless Assistance Act;

1 and the Civil Rights Act of 1964; \$1,349,631,000 of which
2 \$1,130,478,000 shall become available on July 1, 1997,
3 and remain available through September 30, 1998: *Pro-*
4 *vided*, That of the amount appropriated, \$250,000,000
5 shall be for Eisenhower professional development State
6 grants under title II–B and \$300,000,000 shall be for in-
7 novative education program strategies State grants under
8 title VI–A.

9 BILINGUAL AND IMMIGRANT EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, bilingual, foreign language and immigrant edu-
12 cation activities authorized by parts A and C and section
13 7203 of title VII of the Elementary and Secondary Edu-
14 cation Act, without regard to section 7103(b),
15 \$261,700,000, of which \$100,000,000 shall be for immi-
16 grant education programs authorized by part C: *Provided*,
17 That State educational agencies may use all, or any part
18 of, their part C allocation for competitive grants to local
19 educational agencies: *Provided further*, That the Depart-
20 ment of Education should only support instructional pro-
21 grams which ensure that students completely master Eng-
22 lish in a timely fashion (a period of three to five years)
23 while meeting rigorous achievement standards in the aca-
24 demic content areas.

1 SPECIAL EDUCATION

2 For carrying out parts B, C, D, E, F, G, and H and
3 section 610(j)(2)(C) of the Individuals with Disabilities
4 Education Act, \$4,036,000,000, of which \$3,783,685,000
5 shall become available for obligation on July 1, 1997, and
6 shall remain available through September 30, 1998: *Pro-*
7 *vided*, That the Republic of the Marshall Islands, the Fed-
8 erated States of Micronesia, and the Republic of Palau
9 shall continue to be eligible to receive funds under the In-
10 dividuals with Disabilities Education Act consistent with
11 the provisions of Public Law 104–134: *Provided further*,
12 That the entities that received competitive awards for di-
13 rect services to children under section 611 of the Individ-
14 uals with Disabilities Education Act in accordance with
15 the competition required in Public Law 104–134 shall con-
16 tinue to be funded, without competition, in the same
17 amounts as under Public Law 104–134.

18 REHABILITATION SERVICES AND DISABILITY RESEARCH

19 For carrying out, to the extent not otherwise pro-
20 vided, the Rehabilitation Act of 1973, the Technology-Re-
21 lated Assistance for Individuals with Disabilities Act, and
22 the Helen Keller National Center Act, as amended,
23 \$2,509,447,000.

1 SPECIAL INSTITUTIONS FOR PERSONS WITH
2 DISABILITIES
3 AMERICAN PRINTING HOUSE FOR THE BLIND

4 For carrying out the Act of March 3, 1879, as
5 amended (20 U.S.C. 101 et seq.), \$6,680,000.

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7 For the National Technical Institute for the Deaf
8 under titles I and II of the Education of the Deaf Act
9 of 1986 (20 U.S.C. 4301 et seq.), \$43,041,000: *Provided*,
10 That from the amount available, the Institute may at its
11 discretion use funds for the endowment program as au-
12 thorized under section 207.

13 GALLAUDET UNIVERSITY

14 For the Kendall Demonstration Elementary School,
15 the Model Secondary School for the Deaf, and the partial
16 support of Gallaudet University under titles I and II of
17 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
18 et seq.), \$79,182,000: *Provided*, That from the amount
19 available, the University may at its discretion use funds
20 for the endowment program as authorized under section
21 207.

22 VOCATIONAL AND ADULT EDUCATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Carl D. Perkins Vocational and Applied Tech-
25 nology Education Act, the Adult Education Act, and the
26 National Literacy Act of 1991, \$1,492,000,000, of which

1 in such award year, and any funds available from the fis-
2 cal year 1996 appropriation for Pell Grant awards, are
3 insufficient to satisfy fully all such awards for which stu-
4 dents are eligible, as calculated under section 401(b) of
5 the Act, the amount paid for each such award shall be
6 reduced by either a fixed or variable percentage, or by a
7 fixed dollar amount, as determined in accordance with a
8 schedule of reductions established by the Secretary for this
9 purpose.

10 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

11 For Federal administrative expenses to carry out
12 guaranteed student loans authorized by title IV, part B,
13 of the Higher Education Act, as amended, \$46,572,000.

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, parts A and B of title III, without regard to section
17 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and
18 subpart 1 of part B of title X, and title XI of the Higher
19 Education Act of 1965, as amended, Public Law 102-423
20 and the Mutual Educational and Cultural Exchange Act
21 of 1961; \$876,856,000, of which \$15,673,000 for interest
22 subsidies under title VII of the Higher Education Act, as
23 amended, shall remain available until expended: *Provided*,
24 That funds available for part D of title IX of the Higher
25 Education Act shall be available to fund noncompeting
26 continuation awards for academic year 1997-1998 for fel-

1 lowships awarded originally under part B of title IX of
2 said Act, under the terms and conditions of part B: *Pro-*
3 *vided further*, That \$5,931,000 of the funds available for
4 part D of title IX of the Higher Education Act shall be
5 available to fund new and noncompeting continuation
6 awards for academic year 1997–1998 for fellowships
7 awarded under part C of title IX of said Act, under the
8 terms and conditions of part C: *Provided further*, That
9 notwithstanding sections 419D, 419E, and 419H of the
10 Higher Education Act, as amended, scholarships made
11 under title IV, part A, subpart 6 shall be prorated to
12 maintain the same number of new scholarships in fiscal
13 year 1997 as in fiscal year 1996: *Provided further*, That
14 \$3,000,000, to remain available until expended, shall be
15 for the George H.W. Bush fellowship program, if author-
16 ized by April 1, 1997: *Provided further*, That \$3,000,000,
17 to remain available until expended, shall be for the Ed-
18 mund S. Muskie Foundation to establish an endowment
19 fund to provide income to support such foundation on a
20 continuing basis, if authorized by April 1, 1997: *Provided*
21 *further*, That \$3,000,000, to remain available until ex-
22 pended, shall be for the Claiborne Pell Institute for Inter-
23 national Relations and Public Policy at Salve Regina Uni-
24 versity in Newport, Rhode Island, if authorized by April
25 1, 1997.

1 HOWARD UNIVERSITY

2 For partial support of Howard University (20 U.S.C.
3 121 et seq.), \$196,000,000: *Provided*, That from the
4 amount available, the University may at its discretion use
5 funds for the endowment program as authorized under the
6 Howard University Endowment Act (Public Law 98-480).

7 HIGHER EDUCATION FACILITIES LOANS

8 The Secretary is hereby authorized to make such ex-
9 penditures, within the limits of funds available under this
10 heading and in accord with law, and to make such con-
11 tracts and commitments without regard to fiscal year limi-
12 tation, as provided by section 104 of the Government Cor-
13 poration Control Act (31 U.S.C. 9104), as may be nec-
14 essary in carrying out the program for the current fiscal
15 year.

16 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

17 PROGRAM

18 For administrative expenses to carry out the existing
19 direct loan program of college housing and academic facili-
20 ties loans entered into pursuant to title VII, part C, of
21 the Higher Education Act, as amended, \$698,000.

22 COLLEGE HOUSING LOANS

23 Pursuant to title VII, part C of the Higher Education
24 Act, as amended, for necessary expenses of the college
25 housing loans program, the Secretary shall make expendi-
26 tures and enter into contracts without regard to fiscal year

1 limitation using loan repayments and other resources
2 available to this account. Any unobligated balances becom-
3 ing available from fixed fees paid into this account pursu-
4 ant to 12 U.S.C. 1749d, relating to payment of costs for
5 inspections and site visits, shall be available for the operat-
6 ing expenses of this account.

7 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

8 CAPITAL FINANCING, PROGRAM ACCOUNT

9 The total amount of bonds insured pursuant to sec-
10 tion 724 of title VII, part B of the Higher Education Act
11 shall not exceed \$357,000,000, and the cost, as defined
12 in section 502 of the Congressional Budget Act of 1974,
13 of such bonds shall not exceed zero.

14 For administrative expenses to carry out the Histori-
15 cally Black College and University Capital Financing Pro-
16 gram entered into pursuant to title VII, part B of the
17 Higher Education Act, as amended, \$104,000.

18 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

19 For carrying out activities authorized by the Edu-
20 cational Research, Development, Dissemination, and Im-
21 provement Act of 1994 including part E; the National
22 Education Statistics Act of 1994; section 2102(c)(11),
23 sections 3136 and 3141, parts A, B, C, and D of title
24 III and parts A, B, I, and K and section 10601 of title
25 X, and part C of title XIII of the Elementary and Second-
26 ary Education Act of 1965, as amended, and title VI of

1 Public Law 103-227, \$596,350,000: *Provided*, That
2 \$70,000,000 shall be for sections 3136 and 3141 of the
3 Elementary and Secondary Education Act: *Provided fur-*
4 *ther*, That none of the funds appropriated in this para-
5 graph may be obligated or expended for the Goals 2000
6 Community Partnerships Program: *Provided further*, That
7 notwithstanding any other provision of law, one-half of one
8 percent of the amount available for section 3132 of the
9 Elementary and Secondary Education Act of 1965, as
10 amended, shall be set aside for all the outlying areas to
11 be distributed to each outlying area in the same manner
12 that funds are distributed among the States under section
13 3131(a)(1).

14 LIBRARIES

15 For carrying out, to the extent not otherwise pro-
16 vided, titles I, II, III, and IV of the Library Services and
17 Construction Act, and title II-B of the Higher Education
18 Act, \$128,369,000, of which \$16,369,000 shall be used
19 to carry out the provisions of title II of the Library Serv-
20 ices and Construction Act and shall remain available until
21 expended; and \$2,500,000 shall be for section 222 and
22 \$5,000,000 shall be for section 223 of the Higher Edu-
23 cation Act: *Provided*, That \$1,000,000 shall be competi-
24 tively awarded to a nonprofit regional social tolerance re-
25 source center, operating tolerance tools and prejudice re-

1 duction programs and multimedia tolerance and genocide
2 exhibits.

3 DEPARTMENTAL MANAGEMENT

4 PROGRAM ADMINISTRATION

5 For carrying out, to the extent not otherwise pro-
6 vided, the Department of Education Organization Act, in-
7 cluding rental of conference rooms in the District of Co-
8 lumbia and hire of two passenger motor vehicles,
9 \$327,000,000.

10 OFFICE FOR CIVIL RIGHTS

11 For expenses necessary for the Office for Civil
12 Rights, as authorized by section 203 of the Department
13 of Education Organization Act, \$55,000,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector
16 General, as authorized by section 212 of the Department
17 of Education Organization Act, \$30,000,000, together
18 with any funds, to remain available until expended, that
19 represent the equitable share from the forfeiture of prop-
20 erty in investigations in which the Office of Inspector Gen-
21 eral participated, and which are transferred to the Office
22 of the Inspector General by the Department of Justice,
23 the Department of the Treasury, or the United States
24 Postal Service.

1 SEC. 303. No funds appropriated under this Act may
2 be used to prevent the implementation of programs of vol-
3 untary prayer and meditation in the public schools.

4 SEC. 304. Notwithstanding any other provision of
5 law, funds available under section 458 of the Higher Edu-
6 cation Act shall not exceed \$491,000,000 for fiscal year
7 1997. The Department of Education shall use
8 \$80,000,000 of the amounts provided for payment of ad-
9 ministrative cost allowances to guaranty agencies for fiscal
10 year 1996. For fiscal year 1997, the Department of Edu-
11 cation shall pay administrative costs to guaranty agencies,
12 calculated on the basis of 0.85 percent of the total prin-
13 cipal amount of loans upon which insurance was issued
14 on or after October 1, 1996: *Provided*, That such adminis-
15 trative costs shall be paid only on the first \$8,200,000,000
16 of the principal amount of loans upon which insurance was
17 issued on or after October 1, 1996 by such guaranty agen-
18 cies, and shall not exceed a total of \$70,000,000. Such
19 payments are to be paid quarterly, and receipt of such
20 funds and uses of such funds shall be in accordance with
21 section 428(f) of the Higher Education Act. Receipt of
22 such funds and uses of such funds by guaranty agencies
23 shall be in accordance with section 428(f) of the Higher
24 Education Act.

1 Emergency Deficit Control Act, as amended) which are
2 appropriated for the current fiscal year for the Depart-
3 ment of Education in this Act may be transferred between
4 appropriations, but no such appropriation shall be in-
5 creased by more than 3 percent by any such transfer: *Pro-*
6 *vided*, That the Appropriations Committees of both
7 Houses of Congress are notified at least fifteen days in
8 advance of any transfer.

9 SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Ele-
10 mentary and Secondary Education Act of 1965 (20 U.S.C.
11 7703(f)(3)(A)(i)) is amended—

12 (1) in the matter preceding subclause (I), by
13 striking “The Secretary” and all that follows
14 through “greater of—” and inserting the following:
15 “The Secretary, in conjunction with the local edu-
16 cational agency, shall first determine each of the fol-
17 lowing:”;

18 (2) in each of subclauses (I) through (III), by
19 striking “the average” each place it appears the first
20 time in each such subclause and inserting “The av-
21 erage”;

22 (3) in subclause (I), by striking the semicolon
23 and inserting a period;

24 (4) in subclause (II), by striking “: or” and in-
25 serting a period; and

1 (5) by adding at the end the following:

2 “The local educational agency shall select one
3 of the amounts determined under subclause (I),
4 (II), or (III) for purposes of the remaining
5 computations under this subparagraph.”.

6 (b) The amendments made by subsection (a) shall
7 apply with respect to fiscal years beginning with fiscal
8 year 1995.

9 SEC. 308. Section 487A of the Higher Education Act
10 (20 U.S.C. 1094a et seq.) is amended by striking all after
11 the word “sites” in paragraph (d)(1) and inserting in lieu
12 thereof “to test alternative data verification.”. Paragraph
13 (d)(2) of section 487A is also amended by striking all after
14 the word “site” and inserting in lieu thereof the following:
15 “from regulations prescribed under this title related to ap-
16 plication data verification that would bias experimental re-
17 sults.”.

18 SEC. 309. CLASSROOM COMPUTERS AND RELATED
19 TECHNOLOGY.—

20 (a) IN GENERAL.—Section 304 of the Goals
21 2000: Educate America Act (20 U.S.C. 5884) is
22 amended by adding at the end the following new
23 subsection:

24 “(f) CLASSROOM COMPUTERS AND RELATED TECH-
25 NOLOGY.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of this title, the Secretary shall make avail-
3 able to the State educational agency serving each eli-
4 gible State the allotment that the State educational
5 agency would have received under this section for a
6 fiscal year if such agency were eligible for assistance
7 under this title for such year, to enable such agency
8 to award subgrants, competitively awarded or dis-
9 tributed according to a state’s own formula, to local
10 educational agencies within the State to support the
11 use of computers and computer-related technology,
12 the use of technology-enhanced curricula and in-
13 struction, the purchase of computers, or computer-
14 related technology.

15 “(2) USE OF ALLOTTED FUNDS.—

16 “(A) IN GENERAL.—Each State edu-
17 cational agency receiving an allotment pursuant
18 to paragraph (1) shall certify to the Secretary
19 that the allotted funds will be used to pay for
20 the use of computers and computer-related
21 technology, the use of technology-enhanced cur-
22 ricula and instruction, the purchase of comput-
23 ers, or computer-related technology.

24 “(B) CONSTRUCTION.—Nothing in this
25 title shall be constructed to permit the Sec-

1 retary or any other officer or employee of the
2 Federal Government to review or approve a
3 State’s plan, or academic standards contained
4 in such plan, in order to receive an allotment
5 pursuant to paragraph (1).

6 “(3) ELIGIBLE STATE.—For the purpose of this
7 subsection the term ‘eligible state’ means a state
8 that—

9 “(A) is not participating in the program
10 under this title as of September 15, 1996.”

11 (b) SPECIAL RULE.—Paragraph (2) of Section
12 308(b) of such Act (20 U.S.C. 5888(b)) is amend-
13 ed—

14 (1) in subparagraph (L), by striking “and”
15 after the semicolon;

16 (2) in subparagraph (M), by striking the
17 period and inserting “; and”; and

18 (3) by adding at the end the following new
19 subparagraph:

20 “(N) supporting activities relating to the
21 use of computers and computer-related tech-
22 nology, the use of technology-enhanced currie-
23 cula and instruction, the purchase of computers,
24 or computer-related technology.”.

1 These titles may be cited as the “Department of Edu-
 2 cation Appropriations Act, 1997”.

3 TITLE IV—RELATED AGENCIES

4 ARMED FORCES RETIREMENT HOME

5 For expenses necessary for the Armed Forces Retire-
 6 ment Home to operate and maintain the United States
 7 Soldiers’ and Airmen’s Home and the United States Naval
 8 Home, to be paid from funds available in the Armed
 9 Forces Retirement Home Trust Fund, \$56,204,000, of
 10 which \$432,000 shall remain available until expended for
 11 construction and renovation of the physical plants at the
 12 United States Soldiers’ and Airmen’s Home and the Unit-
 13 ed States Naval Home: *Provided*, That this appropriation
 14 shall not be available for the payment of hospitalization
 15 of members of the Soldiers’ and Airmen’s Home in United
 16 States Army hospitals at rates in excess of those pre-
 17 scribed by the Secretary of the Army upon recommenda-
 18 tion of the Board of Commissioners and the Surgeon Gen-
 19 eral of the Army.

20 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

21 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING

22 EXPENSES

23 For expenses necessary for the Corporation for Na-
 24 tional and Community Service to carry out the provisions

1 of the Domestic Volunteer Service Act of 1973, as amend-
2 ed, \$203,969,000.

3 CORPORATION FOR PUBLIC BROADCASTING

4 For payment to the Corporation for Public Broad-
5 casting, as authorized by the Communications Act of
6 1934, an amount which shall be available within limita-
7 tions specified by that Act, for the fiscal year 1999,
8 \$250,000,000: *Provided*, That no funds made available to
9 the Corporation for Public Broadcasting by this Act shall
10 be used to pay for receptions, parties, or similar forms
11 of entertainment for Government officials or employees:
12 *Provided further*, That none of the funds contained in this
13 paragraph shall be available or used to aid or support any
14 program or activity from which any person is excluded,
15 or is denied benefits, or is discriminated against, on the
16 basis of race, color, national origin, religion, or sex.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service to carry out the functions vested
21 in it by the Labor Management Relations Act, 1947 (29
22 U.S.C. 171–180, 182–183), including hire of passenger
23 motor vehicles; and for expenses necessary for the Labor-
24 Management Cooperation Act of 1978 (29 U.S.C. 175a);
25 and for expenses necessary for the Service to carry out

1 the functions vested in it by the Civil Service Reform Act,
2 Public Law 95-454 (5 U.S.C. chapter 71), \$32,579,000
3 including \$1,500,000, to remain available through Sep-
4 tember 30, 1998, for activities authorized by the Labor-
5 Management Cooperation Act of 1978 (29 U.S.C. 175a):
6 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
7 charged, up to full-cost recovery, for special training ac-
8 tivities and for arbitration services shall be credited to and
9 merged with this account, and shall remain available until
10 expended: *Provided further*, That fees for arbitration serv-
11 ices shall be available only for education, training, and
12 professional development of the agency workforce: *Pro-*
13 *vided further*, That the Director of the Service is author-
14 ized to accept on behalf of the United States gifts of serv-
15 ices and real, personal, or other property in the aid of any
16 projects or functions within the Director's jurisdiction.

17 FEDERAL MINE SAFETY AND HEALTH REVIEW

18 COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary for the Federal Mine Safety
21 and Health Review Commission (30 U.S.C. 801 et seq.),
22 \$6,060,000.

1 NATIONAL COMMISSION ON LIBRARIES AND
2 INFORMATION SCIENCE
3 SALARIES AND EXPENSES

4 For necessary expenses for the National Commission
5 on Libraries and Information Science, established by the
6 Act of July 20, 1970 (Public Law 91-345, as amended
7 by Public Law 102-95), \$897,000.

8 NATIONAL COUNCIL ON DISABILITY
9 SALARIES AND EXPENSES

10 For expenses necessary for the National Council on
11 Disability as authorized by title IV of the Rehabilitation
12 Act of 1973, as amended, \$1,793,000.

13 NATIONAL EDUCATION GOALS PANEL

14 For expenses necessary for the National Education
15 Goals Panel, as authorized by title II, part A of the Goals
16 2000: Educate America Act, \$1,500,000.

17 NATIONAL LABOR RELATIONS BOARD
18 SALARIES AND EXPENSES

19 For expenses necessary for the National Labor Rela-
20 tions Board to carry out the functions vested in it by the
21 Labor-Management Relations Act, 1947, as amended (29
22 U.S.C. 141-167), and other laws, \$161,753,000: *Pro-*
23 *vided*, That no part of this appropriation shall be available
24 to organize or assist in organizing agricultural laborers or
25 used in connection with investigations, hearings, direc-

1 tives, or orders concerning bargaining units composed of
2 agricultural laborers as referred to in section 2(3) of the
3 Act of July 5, 1935 (29 U.S.C. 152), and as amended
4 by the Labor-Management Relations Act, 1947, as amend-
5 ed, and as defined in section 3(f) of the Act of June 25,
6 1938 (29 U.S.C. 203), and including in said definition em-
7 ployees engaged in the maintenance and operation of
8 ditches, canals, reservoirs, and waterways when main-
9 tained or operated on a mutual, nonprofit basis and at
10 least 95 per centum of the water stored or supplied there-
11 by is used for farming purposes: *Provided further*, That
12 none of the funds made available by this Act shall be used
13 in any way to promulgate a final rule (altering 29 CFR
14 part 103) regarding single location bargaining units in
15 representation cases.

16 NATIONAL MEDIATION BOARD

17 SALARIES AND EXPENSES

18 For expenses necessary to carry out the provisions
19 of the Railway Labor Act, as amended (45 U.S.C. 151-
20 188), including emergency boards appointed by the Presi-
21 dent, \$8,300,000: *Provided*, That unobligated balances at
22 the end of fiscal year 1997 not needed for emergency
23 boards shall remain available through September 30,
24 1998.

1 OCCUPATIONAL SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Occupational Safety
5 and Health Review Commission (29 U.S.C. 661),
6 \$7,753,000.

7 PHYSICIAN PAYMENT REVIEW COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out section 1845(a)
10 of the Social Security Act, \$3,263,000, to be transferred
11 to this appropriation from the Federal Supplementary
12 Medical Insurance Trust Fund.

13 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1886(e)
16 of the Social Security Act, \$3,263,000, to be transferred
17 to this appropriation from the Federal Hospital Insurance
18 and the Federal Supplementary Medical Insurance Trust
19 Funds.

20 SOCIAL SECURITY ADMINISTRATION

21 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

22 For payment to the Federal Old-Age and Survivors
23 Insurance and the Federal Disability Insurance trust
24 funds, as provided under sections 201(m), 228(g), and
25 1131(b)(2) of the Social Security Act, \$20,923,000.

1 In addition, to reimburse these trust funds for admin-
2 istrative expenses to carry out sections 9704 and 9706 of
3 the Internal Revenue Code of 1986, \$10,000,000, to re-
4 main available until expended.

5 SPECIAL BENEFITS FOR DISABLED COAL MINERS

6 For carrying out title IV of the Federal Mine Safety
7 and Health Act of 1977, \$460,070,000, to remain avail-
8 able until expended.

9 For making, after July 31 of the current fiscal year,
10 benefit payments to individuals under title IV of the Fed-
11 eral Mine Safety and Health Act of 1977, for costs in-
12 curred in the current fiscal year, such amounts as may
13 be necessary.

14 For making benefit payments under title IV of the
15 Federal Mine Safety and Health Act of 1977 for the first
16 quarter of fiscal year 1998, \$160,000,000, to remain
17 available until expended.

18 SUPPLEMENTAL SECURITY INCOME PROGRAM

19 For carrying out titles XI and XVI of the Social Se-
20 curity Act, section 401 of Public Law 92–603, section 212
21 of Public Law 93–66, as amended, and section 405 of
22 Public Law 95–216, including payment to the Social Secu-
23 rity trust funds for administrative expenses incurred pur-
24 suant to section 201(g)(1) of the Social Security Act,
25 \$19,372,010,000, to remain available until expended: *Pro-*
26 *vided*, That any portion of the funds provided to a State

1 in the current fiscal year and not obligated by the State
2 during that year shall be returned to the Treasury.

3 From funds provided under the previous paragraph,
4 not less than \$100,000,000 shall be available for payment
5 to the Social Security trust funds for administrative ex-
6 penses for conducting continuing disability reviews.

7 In addition, \$175,000,000, to remain available until
8 September 30, 1998, for payment to the Social Security
9 trust funds for administrative expenses for continuing dis-
10 ability reviews as authorized by section 103 of Public Law
11 104–121 and Supplemental Security Income administra-
12 tive work as authorized by Public Law 104–193. The term
13 “continuing disability reviews” means reviews and redeter-
14 mination as defined under section 201(g)(1)(A) of the So-
15 cial Security Act as amended, and reviews and redeter-
16 minations authorized under section 211 of Public Law
17 104–193.

18 For making, after June 15 of the current fiscal year,
19 benefit payments to individuals under title XVI of the So-
20 cial Security Act, for unanticipated costs incurred for the
21 current fiscal year, such sums as may be necessary.

22 For carrying out title XVI of the Social Security Act
23 for the first quarter of fiscal year 1998, \$9,690,000,000,
24 to remain available until expended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$10,000 for offi-
4 cial reception and representation expenses, not more than
5 \$5,873,382,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act or as necessary
7 to carry out sections 9704 and 9706 of the Internal Reve-
8 nue Code of 1986 from any one or all of the trust funds
9 referred to therein: *Provided*, That reimbursement to the
10 trust funds under this heading for administrative expenses
11 to carry out sections 9704 and 9706 of the Internal Reve-
12 nue Code of 1986 shall be made, with interest, not later
13 than September 30, 1998: *Provided further*, That not less
14 than \$1,268,000 shall be for the Social Security Advisory
15 Board: *Provided further*, That unobligated balances at the
16 end of fiscal year 1997 not needed for fiscal year 1997
17 shall remain available until expended for a state-of-the-
18 art computing network, including related equipment and
19 administrative expenses associated solely with this net-
20 work.

21 From funds provided under the previous paragraph,
22 not less than \$200,000,000 shall be available for conduct-
23 ing continuing disability reviews.

24 In addition to funding already available under this
25 heading, and subject to the same terms and conditions,

1 \$310,000,000, to remain available until September 30,
2 1998, for continuing disability reviews as authorized by
3 section 103 of Public Law 104–121 and Supplemental Se-
4 curity Income administrative work, as authorized by Pub-
5 lic Law 104–193. The term “continuing disability re-
6 views” means reviews and redetermination as defined
7 under section 201(g)(1)(A) of the Social Security Act as
8 amended, and reviews and redeterminations authorized
9 under section 211 of Public Law 104–193.

10 In addition to funding already available under this
11 heading, and subject to the same terms and conditions,
12 \$234,895,000, which shall remain available until ex-
13 pended, to invest in a state-of-the-art computing network,
14 including related equipment and administrative expenses
15 associated solely with this network, for the Social Security
16 Administration and the State Disability Determination
17 Services, may be expended from any or all of the trust
18 funds as authorized by section 201(g)(1) of the Social Se-
19 curity Act.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, as amended, \$6,335,000, together
24 with not to exceed \$31,089,000, to be transferred and ex-
25 pended as authorized by section 201(g)(1) of the Social
26 Security Act from the Federal Old-Age and Survivors In-

1 surance Trust Fund and the Federal Disability Insurance
2 Trust Fund.

3 RAILROAD RETIREMENT BOARD

4 DUAL BENEFITS PAYMENTS ACCOUNT

5 For payment to the Dual Benefits Payments Ac-
6 count, authorized under section 15(d) of the Railroad Re-
7 tirement Act of 1974, \$223,000,000, which shall include
8 amounts becoming available in fiscal year 1997 pursuant
9 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
10 tion, an amount, not to exceed 2 percent of the amount
11 provided herein, shall be available proportional to the
12 amount by which the product of recipients and the average
13 benefit received exceeds \$223,000,000: *Provided*, That the
14 total amount provided herein shall be credited in 12 ap-
15 proximately equal amounts on the first day of each month
16 in the fiscal year.

17 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

18 ACCOUNTS

19 For payment to the accounts established in the
20 Treasury for the payment of benefits under the Railroad
21 Retirement Act for interest earned on unnegotiated
22 checks, \$300,000, to remain available through September
23 30, 1998, which shall be the maximum amount available
24 for payment pursuant to section 417 of Public Law 98-
25 76.

1 TITLE V—GENERAL PROVISIONS

2 SEC. 501. The Secretaries of Labor, Health and
3 Human Services, and Education are authorized to transfer
4 unexpended balances of prior appropriations to accounts
5 corresponding to current appropriations provided in this
6 Act: *Provided*, That such transferred balances are used for
7 the same purpose, and for the same periods of time, for
8 which they were originally appropriated.

9 SEC. 502. No part of any appropriation contained in
10 this Act shall remain available for obligation beyond the
11 current fiscal year unless expressly so provided herein.

12 SEC. 503. (a) No part of any appropriation contained
13 in this Act shall be used, other than for normal and recog-
14 nized executive-legislative relationships, for publicity or
15 propaganda purposes, for the preparation, distribution, or
16 use of any kit, pamphlet, booklet, publication, radio, tele-
17 vision, or video presentation designed to support or defeat
18 legislation pending before the Congress, or any State legis-
19 lature, except in presentation to the Congress or any State
20 legislative body itself.

21 (b) No part of any appropriation contained in this
22 Act shall be used to pay the salary or expenses of any
23 grant or contract recipient, or agent acting for such recipi-
24 ent, related to any activity designed to influence legislation

1 or appropriations pending before the Congress or any
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education
4 are each authorized to make available not to exceed
5 \$15,000 from funds available for salaries and expenses
6 under titles I and III, respectively, for official reception
7 and representation expenses; the Director of the Federal
8 Mediation and Conciliation Service is authorized to make
9 available for official reception and representation expenses
10 not to exceed \$2,500 from the funds available for “Sala-
11 ries and expenses, Federal Mediation and Conciliation
12 Service”; and the Chairman of the National Mediation
13 Board is authorized to make available for official reception
14 and representation expenses not to exceed \$2,500 from
15 funds available for “Salaries and expenses, National Medi-
16 ation Board”.

17 SEC. 505. Notwithstanding any other provision of
18 this Act, no funds appropriated under this Act shall be
19 used to carry out any program of distributing sterile nee-
20 dles for the hypodermic injection of any illegal drug unless
21 the Secretary of Health and Human Services determines
22 that such programs are effective in preventing the spread
23 of HIV and do not encourage the use of illegal drugs.

24 SEC. 506. (a) PURCHASE OF AMERICAN-MADE
25 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-

1 gress that, to the greatest extent practicable, all equip-
2 ment and products purchased with funds made available
3 in this Act should be American-made.

4 (b) NOTICE REQUIREMENT.—In providing financial
5 assistance to, or entering into any contract with, any en-
6 tity using funds made available in this Act, the head of
7 each Federal agency, to the greatest extent practicable,
8 shall provide to such entity a notice describing the state-
9 ment made in subsection (a) by the Congress.

10 (c) PROHIBITION OF CONTRACTS WITH PERSONS
11 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
12 If it has been finally determined by a court or Federal
13 agency that any person intentionally affixed a label bear-
14 ing a “Made in America” inscription, or any inscription
15 with the same meaning, to any product sold in or shipped
16 to the United States that is not made in the United
17 States, the person shall be ineligible to receive any con-
18 tract or subcontract made with funds made available in
19 this Act, pursuant to the debarment, suspension, and ineli-
20 gibility procedures described in sections 9.400 through
21 9.409 of title 48, Code of Federal Regulations.

22 SEC. 507. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to
2 State and local governments and recipients of Federal re-
3 search grants, shall clearly state (1) the percentage of the
4 total costs of the program or project which will be financed
5 with Federal money, (2) the dollar amount of Federal
6 funds for the project or program, and (3) percentage and
7 dollar amount of the total costs of the project or program
8 that will be financed by nongovernmental sources.

9 SEC. 508. None of the funds appropriated under this
10 Act shall be expended for any abortion except when it is
11 made known to the Federal entity or official to which
12 funds are appropriated under this Act that such procedure
13 is necessary to save the life of the mother or that the preg-
14 nancy is the result of an act of rape or incest.

15 SEC. 509. Notwithstanding any other provision of
16 law—

17 (1) no amount may be transferred from an ap-
18 propriation account for the Departments of Labor,
19 Health and Human Services, and Education except
20 as authorized in this or any subsequent appropria-
21 tion act, or in the Act establishing the program or
22 activity for which funds are contained in this Act;

23 (2) no department, agency, or other entity,
24 other than the one responsible for administering the
25 program or activity for which an appropriation is

1 made in this Act, may exercise authority for the tim-
2 ing of the obligation and expenditure of such appro-
3 priation, or for the purposes for which it is obligated
4 and expended, except to the extent and in the man-
5 ner otherwise provided in sections 1512 and 1513 of
6 title 31, United States Code; and

7 (3) no funds provided under this Act shall be
8 available for the salary (or any part thereof) of an
9 employee who is reassigned on a temporary detail
10 basis to another position in the employing agency or
11 department or in any other agency or department,
12 unless the detail is independently approved by the
13 head of the employing department or agency.

14 SEC. 510. None of the funds made available in this
15 Act may be used for the expenses of an electronic benefit
16 transfer (EBT) task force.

17 SEC. 511. None of the funds made available in this
18 Act may be used to enforce the requirements of section
19 428(b)(1)(U)(iii) of the Higher Education Act of 1965
20 with respect to any lender when it is made known to the
21 Federal official having authority to obligate or expend
22 such funds that the lender has a loan portfolio under part
23 B of title IV of such Act that is equal to or less than
24 \$5,000,000.

1 SEC. 512. (a) None of the funds made available in
2 this Act may be used for—

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

5 (2) research in which a human embryo or em-
6 bryos are destroyed, discarded, or knowingly sub-
7 jected to risk of injury or death greater than that
8 allowed for research on fetuses in utero under 45
9 CFR 46.208(a)(2) and section 498(b) of the Public
10 Health Service Act (42 U.S.C. 289g(b)).

11 (b) For purposes of this section, the term “human
12 embryo or embryos” include any organism, not protected
13 as a human subject under 45 CFR 46 as of the date of
14 the enactment of this Act, that is derived by fertilization,
15 parthenogenesis, cloning, or any other means from one or
16 more human gametes.

17 SEC. 513. None of the funds made available in this
18 Act may be used by the National Labor Relations Board
19 to assert jurisdiction over any labor dispute when it is
20 made known to the Federal official having authority to
21 obligate or expend such funds that—

22 (1) the labor dispute does not involve any class
23 or category of employer over which the Board would
24 assert jurisdiction under the standards prevailing on

1 August 1, 1959, with each financial threshold
2 amount adjusted for inflation by—

3 (A) using changes in the Consumer Price
4 Index for all urban consumers published by the
5 Department of Labor;

6 (B) using as the base period the later of
7 (i) the most recent calendar quarter ending be-
8 fore the financial threshold amount was estab-
9 lished; or (ii) the calendar quarter ending June
10 30, 1959; and

11 (C) rounding the adjusted financial thresh-
12 old amount to the nearest \$10,000; and

13 (2) the effect of the labor dispute on interstate
14 commerce is not otherwise sufficiently substantial to
15 warrant the exercise of the Board's jurisdiction.

16 SEC. 516. (a) LIMITATION ON USE OF FUNDS FOR
17 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
18 STANCES.—None of the funds made available in this Act
19 may be used for any activity when it is made known to
20 the Federal official having authority to obligate or expend
21 such funds that the activity promotes the legalization of
22 any drug or other substance included in schedule I of the
23 schedules of controlled substances established by section
24 202 of the Controlled Substances Act (21 U.S.C. 812).

1 (b) EXCEPTIONS.—The limitation in subsection (a)
2 shall not apply when it is made known to the Federal offi-
3 cial having authority to obligate or expend such funds that
4 there is significant medical evidence of a therapeutic ad-
5 vantage to the use of such drug or other substance or that
6 Federally-sponsored clinical trials are being conducted to
7 determine therapeutic advantage.

8 SEC. 519. None of the funds made available in this
9 Act may be obligated or expended to enter into or renew
10 a contract with an entity when it is made known to the
11 Federal official having authority to obligate or expend
12 such funds that—

13 (1) such entity is otherwise a contractor with
14 the United States and is subject to the requirement
15 in section 4212(d) of title 38, United States Code,
16 regarding submission of an annual report to the Sec-
17 retary of Labor concerning employment of certain
18 veterans; and

19 (2) such entity has not submitted a report as
20 required by that section for the most recent year for
21 which such requirement was applicable to such en-
22 tity.

23 SEC. 524. Of the budgetary resources available to
24 Agencies in this Act for salaries and expenses during fiscal
25 year 1997, \$30,500,000, to be allocated by the Office of

1 Management and Budget, are permanently canceled: *Pro-*
2 *vided*, That the foregoing provision shall not apply to the
3 Food and Drug Administration and the Indian Health
4 Service.

5 SEC. 525. VOLUNTARY SEPARATION INCENTIVES
6 FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a)
7 DEFINITIONS.—For the purposes of this section—

8 (1) the term “agency” means the Railroad Re-
9 tirement Board and the Office of Inspector General
10 of the Railroad Retirement Board;

11 (2) the term “employee” means an employee
12 (as defined by section 2105 of title 5, United States
13 Code) who is employed by an agency, is serving
14 under an appointment without time limitation, and
15 has been currently employed for a continuous period
16 of at least 3 years, but does not include—

17 (A) a reemployed annuitant under sub-
18 chapter III of chapter 83 or chapter 84 of title
19 5, United States Code, or another retirement
20 system for employees of the agency;

21 (B) an employee having a disability on the
22 basis of which such employee is or would be eli-
23 gible for disability retirement under subchapter
24 III of chapter 83 or chapter 84 of title 5, Unit-

1 ed States Code, or another retirement system
2 for employees of the agency;

3 (C) an employee who is in receipt of a spe-
4 cific notice of involuntary separation for mis-
5 conduct or unacceptable performance;

6 (D) an employee who, upon completing an
7 additional period of service as referred to in
8 section 3(b)(2)(B)(ii) of the Federal Workforce
9 Restructuring Act of 1994 (5 U.S.C. 5597
10 note), would qualify for a voluntary separation
11 incentive payment under section 3 of such Act;

12 (E) an employee who has previously re-
13 ceived any voluntary separation incentive pay-
14 ment by the Federal Government under this
15 section or any other authority and has not re-
16 paid such payment;

17 (F) an employee covered by statutory re-
18 employment rights who is on transfer to an-
19 other organization; or

20 (G) any employee who, during the twenty-
21 four-month period preceding the date of separa-
22 tion, has received a recruitment or relocation
23 bonus under section 5753 of title 5, United
24 States Code, or who, within the twelve-month
25 period preceding the date of separation, re-

1 ceived a retention allowance under section 5754
2 of title 5, United States Code.

3 (b) AGENCY STRATEGIC PLAN.—

4 (1) IN GENERAL.—The three-member Railroad
5 Retirement Board, prior to obligating any resources
6 for voluntary separation incentive payments, shall
7 submit to the House and Senate Committees on Ap-
8 propriations and the Committee on Governmental
9 Affairs of the Senate and the Committee on Govern-
10 ment Reform and Oversight of the House of Rep-
11 resentatives a strategic plan outlining the intended
12 use of such incentive payments and a proposed orga-
13 nizational chart for the agency once such incentive
14 payments have been completed.

15 (2) CONTENTS.—The agency's plan shall in-
16 clude—

17 (A) the positions and functions to be re-
18 duced or eliminated, identified by organizational
19 unit, geographic location, occupational category
20 and grade level;

21 (B) the number and amounts of voluntary
22 separation incentive payments to be offered;
23 and

1 (C) a description of how the agency will
2 operate without the eliminated positions and
3 functions.

4 (c) AUTHORITY TO PROVIDE VOLUNTARY SEPARA-
5 TION INCENTIVE PAYMENTS.—

6 (1) IN GENERAL.—A voluntary separation in-
7 centive payment under this section may be paid by
8 an agency to any employee only to the extent nec-
9 essary to eliminate the positions and functions iden-
10 tified by the strategic plan.

11 (2) AMOUNT AND TREATMENT OF PAYMENTS.—
12 A voluntary separation incentive payment—

13 (A) shall be paid in a lump sum after the
14 employee's separation;

15 (B) shall be paid from appropriations or
16 funds available for the payment of the basic pay
17 of the employees;

18 (C) shall be equal to the lesser of—

19 (i) an amount equal to the amount
20 the employee would be entitled to receive
21 under section 5595(c) of title 5, United
22 States Code; or

23 (ii) an amount determined by the
24 agency head not to exceed \$25,000;

1 (D) may not be made except in the case of
2 any qualifying employee who voluntarily sepa-
3 rates (whether by retirement or resignation) be-
4 fore September 30, 1997;

5 (E) shall not be a basis for payment, and
6 shall not be included in the computation, of any
7 other type of Government benefit; and

8 (F) shall not be taken into account in de-
9 termining the amount of any severance pay to
10 which the employee may be entitled under sec-
11 tion 5595 of title 5, United States Code, based
12 on any other separation.

13 (d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE
14 RETIREMENT FUND.—

15 (1) IN GENERAL.—In addition to any other
16 payments which it is required to make under sub-
17 chapter III of chapter 83 of title 5, United States
18 Code, an agency shall remit to the Office of Person-
19 nel Management for deposit in the Treasury of the
20 United States to the credit of the Civil Service Re-
21 tirement and Disability Fund an amount equal to 15
22 percent of the final basic pay of each employee of
23 the agency who is covered under subchapter III of
24 chapter 83 or chapter 84 of title 5, United States

1 Code, to whom a voluntary separation incentive has
2 been paid under this section.

3 (2) DEFINITION.—For the purpose of para-
4 graph (1), the term “final basic pay”, with respect
5 to an employee, means the total amount of basic pay
6 which would be payable for a year of service by such
7 employee, computed using the employee’s final rate
8 of basic pay, and, if last serving on other than a
9 full-time basis, with appropriate adjustment there-
10 for.

11 (e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
12 THE GOVERNMENT.—An individual who has received a
13 voluntary separation incentive payment under this section
14 and accepts any employment for compensation with the
15 Government of the United States, or who works for any
16 agency of the United States Government through a per-
17 sonal services contract, within 5 years after the date of
18 the separation on which the payment is based shall be re-
19 quired to pay, prior to the individual’s first day of employ-
20 ment, the entire amount of the incentive payment to the
21 agency that paid the incentive payment.

22 (f) REDUCTION OF AGENCY EMPLOYMENT LEV-
23 ELS.—

24 (1) IN GENERAL.—The total number of funded
25 employee positions in the agency shall be reduced by

1 one position for each vacancy created by the separa-
 2 tion of any employee who has received, or is due to
 3 receive, a voluntary separation incentive payment
 4 under this section. For the purposes of this sub-
 5 section, positions shall be counted on a full-time-
 6 equivalent basis.

7 (2) ENFORCEMENT.—The President, through
 8 the Office of Management and Budget, shall monitor
 9 the agency and take any action necessary to ensure
 10 that the requirements of this subsection are met.

11 (g) EFFECTIVE DATE.—This section shall take effect
 12 October 1, 1996.

13 **TITLE VI—COMMISSION ON** 14 **RETIREMENT INCOME POLICY**

15 **SEC. 601. SHORT TITLE.**

16 This title may be cited as the “Commission on Retire-
 17 ment Income Policy Act of 1996”.

18 **SEC. 602. ESTABLISHMENT.**

19 There is established a commission to be known as the
 20 Commission on Retirement Income Policy (in this title re-
 21 ferred to as the “Commission”).

22 **SEC. 603. DUTIES.**

23 (a) IN GENERAL.—The Commission shall conduct a
 24 full and complete review and study of—

1 (1) trends in retirement savings in the United
2 States;

3 (2) existing Federal incentives and programs
4 that are established to encourage and protect such
5 savings; and

6 (3) new Federal incentives and programs that
7 are needed to encourage and protect such savings.

8 (b) SPECIFIC ISSUES.—In fulfilling the duty de-
9 scribed in subsection (a), the Commission shall address—

10 (1) the amount and sources of Federal and pri-
11 vate funds, including tax expenditures (as defined in
12 section 3 of the Congressional Budget Act of 1974
13 (2 U.S.C. 622)), needed to finance the incentives
14 and programs referred to in subsection (a)(2) and
15 any new Federal incentive or program that the Com-
16 mission recommends be established;

17 (2) the most efficient and effective manner,
18 considering the needs of retirement plan sponsors
19 for simplicity, reasonable cost, and appropriate in-
20 centives, of ensuring that individuals in the United
21 States will have adequate retirement savings;

22 (3) the amounts of retirement income that fu-
23 ture retirees will need to replace various levels of
24 preretirement income, including amounts necessary
25 to pay for medical and long-term care;

1 (4) the workforce and demographic trends that
2 affect the pensions of future retirees;

3 (5) the role of retirement savings in the econ-
4 omy of the United States;

5 (6) sources of retirement income other than pri-
6 vate pensions that are available to individuals in the
7 United States; and

8 (7) the shift away from insured and qualified
9 pension benefits in the United States.

10 (c) RECOMMENDATIONS.—

11 (1) IN GENERAL.—The Commission shall for-
12 mulate recommendations based on the review and
13 study conducted under subsection (a). The rec-
14 ommendations shall include measures that address
15 the needs of future retirees for—

16 (A) appropriate pension plan coverage and
17 other mechanisms for saving for retirement;

18 (B) an adequate retirement income;

19 (C) preservation of benefits they accumu-
20 late by participating in pension plans;

21 (D) information concerning pension plan
22 benefits; and

23 (E) procedures to resolve disputes involv-
24 ing such benefits.

1 (2) EFFECT ON FEDERAL BUDGET DEFICIT.—
2 A recommendation of the Commission for a new
3 Federal incentive or program that would result in an
4 increase in the Federal budget deficit shall not ap-
5 pear in the report required under section 607 unless
6 it is accompanied by a recommendation for offset-
7 ting the increase.

8 **SEC. 604. MEMBERSHIP.**

9 (a) NUMBER AND APPOINTMENT.—

10 (1) IN GENERAL.—The Commission shall be
11 composed of 16 voting members appointed not later
12 than 90 days after the date of the enactment of this
13 Act. The Commission shall consist of the following
14 members:

15 (A) Four members appointed by the Presi-
16 dent, of which two shall be from the executive
17 branch of the Government and two from private
18 life.

19 (B) Three members appointed by the Ma-
20 jority Leader of the Senate of which at least
21 one shall be from private life.

22 (C) Three members appointed by the Mi-
23 nority Leader of the Senate of which at least
24 one shall be from private life.

1 (D) Three members appointed by the Ma-
2 jority Leader of the House of Representatives
3 of which at least one shall be from private life.

4 (E) Three members appointed by the Mi-
5 nority Leader of the House of Representatives
6 of which at least one shall be from private life.

7 (2) QUALIFICATIONS.—The individuals referred
8 to in paragraph (1) who are not Members of the
9 Congress shall be leaders of business or labor, dis-
10 tinguished academics, or other individuals with dis-
11 tinctive qualifications and experience in retirement
12 income policy.

13 (b) TERMS.—Each member shall be appointed for the
14 life of the Commission.

15 (c) VACANCIES.—A vacancy in the Commission shall
16 be filled not later than 90 days after the date of the cre-
17 ation of the vacancy in the manner in which the original
18 appointment was made.

19 (d) COMPENSATION.—

20 (1) RATES OF PAY.—Except as provided in
21 paragraph (2), members of the Commission shall
22 serve without pay.

23 (2) TRAVEL EXPENSES.—Each member of the
24 Commission shall receive travel expenses, including
25 per diem in lieu of subsistence, in accordance with

1 sections 5702 and 5703 of title 5, United States
2 Code.

3 (e) QUORUM.—10 members of the Commission shall
4 constitute a quorum, but 6 members may hold hearings,
5 take testimony, or receive evidence.

6 (f) CHAIRPERSON.—The chairperson of the Commis-
7 sion shall be elected by a majority vote of the members
8 of the Commission.

9 (g) MEETINGS.—The Commission shall meet at the
10 call of the chairperson of the Commission.

11 (h) DECISIONS.—Decisions of the Commission shall
12 be made according to the vote of not less than a majority
13 of the members who are present and voting at a meeting
14 called pursuant to subsection (g).

15 **SEC. 605. STAFF AND SUPPORT SERVICES.**

16 (a) EXECUTIVE DIRECTOR.—The Commission shall
17 have an executive director appointed by the Commission.
18 The Commission shall fix the pay of the executive director.

19 (b) STAFF.—The Commission may appoint and fix
20 the pay of additional personnel as it considers appropriate.

21 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
22 LAWS.—The executive director and staff of the Commis-
23 sion may be appointed without regard to the provisions
24 of title 5, United States Code, governing appointments in
25 the competitive service, and may be paid without regard

1 to the provisions of chapter 51 and subchapter III of chap-
2 ter 53 of that title relating to classification and General
3 Schedule pay rates.

4 (d) EXPERTS AND CONSULTANTS.—The Commission
5 may procure temporary and intermittent services under
6 section 3109(b) of title 5, United States Code, at rates
7 the Commission determines to be appropriate.

8 (e) STAFF OF FEDERAL AGENCIES.—Upon request
9 of the Commission, the head of any Federal agency may
10 detail, on a reimbursable basis, any of the personnel of
11 the agency to the Commission to assist it in carrying out
12 its duties under this title.

13 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
14 request of the Commission, the Administrator of General
15 Services shall provide to the Commission, on a reimburs-
16 able basis, the administrative support services necessary
17 for the Commission to carry out its responsibilities under
18 this title.

19 **SEC. 606. POWERS.**

20 (a) HEARINGS AND SESSIONS.—

21 (1) IN GENERAL.—The Commission may, for
22 the purpose of carrying out this title, hold hearings,
23 sit and act at times and places, take testimony, and
24 receive evidence as the Commission considers appro-

1 appropriate. The Commission may administer oaths or af-
2 firmations to witnesses appearing before it.

3 (2) PUBLIC HEARINGS.—The Commission may
4 hold public hearings to receive the views of a broad
5 spectrum of the public on the status of the private
6 retirement system of the United States.

7 (b) DELEGATION OF AUTHORITY.—Any member,
8 committee, or agent of the Commission may, if authorized
9 by the Commission, take any action which the Commission
10 is authorized to take by this section.

11 (c) INFORMATION.—

12 (1) INFORMATION FROM FEDERAL AGENCIES.—

13 (A) IN GENERAL.—The Commission may
14 secure directly from any Federal agency infor-
15 mation necessary to enable it to carry out this
16 title. Upon request of the Commission, the head
17 of the Federal agency shall furnish the informa-
18 tion to the Commission.

19 (B) EXCEPTION.—Subparagraph (A) shall
20 not apply to any information that the Commis-
21 sion is prohibited to secure or request by an-
22 other law.

23 (2) PUBLIC SURVEYS.—The Commission may
24 conduct the public surveys necessary to enable it to
25 carry out this title. In conducting such surveys, the

1 Commission shall not be considered an agency for
2 purposes of chapter 35 of title 44, United States
3 Code.

4 (d) **MAILS.**—The Commission may use the United
5 States mails in the same manner and under the same con-
6 ditions as other Federal agencies.

7 (e) **CONTRACT AND PROCUREMENT AUTHORITY.**—
8 The Commission may make purchases, and may contract
9 with and compensate government and private agencies or
10 persons for property or services, without regard to—

11 (1) section 3709 of the Revised Statutes (41
12 U.S.C. 5); and

13 (2) title III of the Federal Property and Ad-
14 ministrative Services Act of 1949 (41 U.S.C. 251 et
15 seq.).

16 (f) **GIFTS.**—The Commission may accept, use, and
17 dispose of gifts of services or property, both real and per-
18 sonal, for the purpose of assisting the work of the Com-
19 mission. Gifts of money and proceeds from sales of prop-
20 erty received as gifts shall be deposited in the Treasury
21 and shall be available for disbursement upon order of the
22 Commission. For purposes of Federal income, estate, and
23 gift taxes, property accepted under this subsection shall
24 be considered as a gift to the United States.

1 (g) VOLUNTEER SERVICES.—Notwithstanding sec-
2 tion 1342 of title 31, United States Code, the Commission
3 may accept and use voluntary and uncompensated services
4 as the Commission determines necessary.

5 **SEC. 607. REPORT.**

6 Not later than 1 year after the first meeting of the
7 Commission, the Commission shall submit a report to the
8 President, the majority and minority leaders of the Sen-
9 ate, the Committee on Labor and Human Resources and
10 the Committee on Finance of the Senate, the majority and
11 minority leaders of the House of Representatives, and the
12 Committee on Ways and Means and the Committee on
13 Economic and Educational Opportunities of the House of
14 Representatives. The report shall review the matters that
15 the Commission is required to study under section 603
16 and shall set forth the recommendations of the Commis-
17 sion.

18 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
20 as may be necessary to carry out this title.

21 **SEC. 609. TERMINATION.**

22 The Commission shall terminate not later than the
23 expiration of the 90-day period beginning on the date on
24 which the Commission submits its report under section
25 607.

1 tion and representation expenses; not to exceed \$258,000
2 for unforeseen emergencies of a confidential nature, to be
3 allocated and expended under the direction of the Sec-
4 retary of the Treasury and to be accounted for solely on
5 his certificate; \$108,760,000.

6 AUTOMATION ENHANCEMENT

7 INCLUDING TRANSFER OF FUNDS

8 For the development and acquisition of automatic
9 data processing equipment, software, and services for the
10 Department of the Treasury, \$27,100,000, of which
11 \$15,000,000 shall be available to the United States Cus-
12 toms Service for the Automated Commercial Environment
13 project, and of which \$5,600,000 shall be available to the
14 United States Customs Service for the International
15 Trade Data System: *Provided*, That these funds shall re-
16 main available until September 30, 1999: *Provided further*,
17 That these funds shall be transferred to accounts and in
18 amounts as necessary to satisfy the requirements of the
19 Department's offices, bureaus, and other organizations:
20 *Provided further*, That this transfer authority shall be in
21 addition to any other transfer authority provided in this
22 Act: *Provided further*, That none of the funds shall be used
23 to support or supplement Internal Revenue Service appro-
24 priations for Information Systems and Tax Systems Mod-
25 ernization: *Provided further*, That of the funds appro-

1 priated for the Automated Commercial Environment,
 2 \$3,475,000 may not be obligated until the Commissioner
 3 of Customs consults with the Committees on Appropria-
 4 tions regarding deficiencies identified by the General Ac-
 5 counting Office.

6 OFFICE OF INSPECTOR GENERAL

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Inspector
 9 General in carrying out the provisions of the Inspector
 10 General Act of 1978, as amended, not to exceed
 11 \$2,000,000 for official travel expenses; including hire of
 12 passenger motor vehicles; and not to exceed \$100,000 for
 13 unforeseen emergencies of a confidential nature, to be allo-
 14 cated and expended under the direction of the Inspector
 15 General of the Treasury; \$29,736,000.

16 OFFICE OF PROFESSIONAL RESPONSIBILITY

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Professional
 19 Responsibility, including purchase and hire of passenger
 20 motor vehicles, \$1,500,000.

21 TREASURY BUILDINGS AND ANNEX REPAIR AND

22 RESTORATION

23 INCLUDING TRANSFER OF FUNDS

24 For the repair, alteration, and improvement of the
 25 Treasury Building and Annex, \$28,213,000, to remain

1 available until expended: *Provided*, That funds previously
2 made available under this title for the Secret Service
3 Headquarter's building shall be transferred to the Secret
4 Service Acquisition, Construction, Improvement and Re-
5 lated Expenses appropriation.

6 FINANCIAL CRIMES ENFORCEMENT NETWORK

7 SALARIES AND EXPENSES

8 For necessary expenses of the Financial Crimes En-
9 forcement Network, including hire of passenger motor ve-
10 hicles; travel expenses of non-Federal law enforcement
11 personnel to attend meetings concerned with financial in-
12 telligence activities, law enforcement, and financial regula-
13 tion; not to exceed \$14,000 for official reception and rep-
14 resentation expenses; and for assistance to Federal law en-
15 forcement agencies, with or without reimbursement;
16 \$22,387,000: *Provided*, That notwithstanding any other
17 provision of law, the Director of the Financial Crimes En-
18 forcement Network may procure up to \$500,000 in spe-
19 cialized, unique, or novel automatic data processing equip-
20 ment, ancillary equipment, software, services, and related
21 resources from commercial vendors without regard to oth-
22 erwise applicable procurement laws and regulations and
23 without full and open competition, utilizing procedures
24 best suited under the circumstances of the procurement
25 to efficiently fulfill the agency's requirements: *Provided*

1 *further*, That funds appropriated in this account may be
2 used to procure personal services contracts.

3 DEPARTMENT OF THE TREASURY FORFEITURE FUND

4 For necessary expenses of the Treasury Forfeiture
5 Fund, as authorized by Public Law 102–393, not to ex-
6 ceed \$10,000,000, to be derived from deposits in the fund:
7 *Provided*, That notwithstanding any other provision of
8 law, not to exceed \$7,500,000 shall be made available for
9 the development of a Federal wireless communication sys-
10 tem: *Provided further*, That the Secretary of the Treasury
11 is authorized to receive all unavailable collections trans-
12 ferred from the Special Forfeiture Fund established by
13 section 6073 of the Anti-Drug Abuse Act of 1988 (21
14 U.S.C. 1509) by the Director of the Office of Drug Con-
15 trol Policy as a deposit into the Treasury Forfeiture Fund
16 (31 U.S.C. 9703(a)).

17 VIOLENT CRIME REDUCTION PROGRAMS

18 INCLUDING TRANSFER OF FUNDS

19 For activities authorized by Public Law 103–322, to
20 remain available until expended, which shall be derived
21 from the Violent Crime Reduction Trust Fund, as follows:

22 (a) As authorized by section 190001(e), \$89,000,000,
23 of which \$36,595,000 shall be available to the Bureau of
24 Alcohol, Tobacco and Firearms, of which \$3,000,000 shall
25 be available for administering the Gang Resistance Edu-

1 cation and Training program, of which \$3,662,000 shall
2 be available for ballistics technologies, including the pur-
3 chase, maintenance and upgrading of equipment and of
4 which \$29,133,000 shall be available to enhance training
5 and purchase equipment and services, and of which
6 \$800,000 shall be available for project LEAD; of which
7 \$18,300,000 shall be available to the Secretary as author-
8 ized by section 732 of Public Law 104–132; of which
9 \$1,000,000 shall be available to the Financial Crimes En-
10 forcement Network; of which \$20,000,000 shall be avail-
11 able to the United States Secret Service, of which no less
12 than \$1,400,000 shall be available for a grant for activi-
13 ties related to the investigations of missing and exploited
14 children; and of which \$13,105,000 shall be available to
15 the Federal Drug Control Programs, High Intensity Drug
16 Trafficking Areas program: *Provided* That none of the
17 funds in this Act shall be available for a study of tagging
18 black or smokeless powder.

19 (b) As authorized by section 32401, \$8,000,000, for
20 disbursement through grants, cooperative agreements or
21 contracts, to local governments for Gang Resistance Edu-
22 cation and Training: *Provided*, That notwithstanding sec-
23 tions 32401 and 310001, such funds shall be allocated
24 only to the affected State and local law enforcement and
25 prevention organizations participating in such projects.

1 amount not to exceed 4 percent of the total annual income
2 to such fund may be retained in the fund for fiscal year
3 1997 and each fiscal year thereafter, to remain available
4 until expended, to be used for the acquisition of capital
5 equipment and for the improvement and implementation
6 of Treasury financial management, ADP, and other sup-
7 port systems: *Provided further*, That no later than 30 days
8 after the end of each fiscal year, amounts in excess of this
9 reserve limitation shall be deposited as miscellaneous re-
10 cepts in the Treasury: *Provided further*, That such fran-
11 chise fund pilot shall terminate pursuant to section 403(f)
12 of Public Law 103-356.

13 FEDERAL LAW ENFORCEMENT TRAINING CENTER

14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Law Enforce-
16 ment Training Center, as a bureau of the Department of
17 the Treasury, including materials and support costs of
18 Federal law enforcement basic training; purchase (not to
19 exceed 52 for police-type use, without regard to the gen-
20 eral purchase price limitation) and hire of passenger
21 motor vehicles; for expenses for student athletic and relat-
22 ed activities; uniforms without regard to the general pur-
23 chase price limitation for the current fiscal year; the con-
24 ducting of and participating in firearms matches and pres-
25 entation of awards; for public awareness and enhancing

1 community support of law enforcement training; not to ex-
2 ceed \$9,500 for official reception and representation ex-
3 penses; room and board for student interns; and services
4 as authorized by 5 U.S.C. 3109; \$54,831,000, of which
5 up to \$13,034,000 for materials and support costs of Fed-
6 eral law enforcement basic training shall remain available
7 until September 30, 1999: *Provided*, That the Center is
8 authorized to accept and use gifts of property, both real
9 and personal, and to accept services, for authorized pur-
10 poses, including funding of a gift of intrinsic value which
11 shall be awarded annually by the Director of the Center
12 to the outstanding student who graduated from a basic
13 training program at the Center during the previous fiscal
14 year, which shall be funded only by gifts received through
15 the Center's gift authority: *Provided further*, That not-
16 withstanding any other provision of law, students attend-
17 ing training at any Federal Law Enforcement Training
18 Center site shall reside in on-Center or Center-provided
19 housing, insofar as available and in accordance with Cen-
20 ter policy: *Provided further*, That funds appropriated in
21 this account shall be available, at the discretion of the Di-
22 rector, for: training United States Postal Service law en-
23 forcement personnel and Postal police officers; State and
24 local government law enforcement training on a space-
25 available basis; training of foreign law enforcement offi-

1 cials on a space-available basis with reimbursement of ac-
2 tual costs to this appropriation; training of private sector
3 security officials on a space-available basis with reimburse-
4 ment of actual costs to this appropriation; and travel ex-
5 penses of non-Federal personnel to attend course develop-
6 ment meetings and training at the Center: *Provided fur-*
7 *ther*, That the Center is authorized to obligate funds in
8 anticipation of reimbursements from agencies receiving
9 training at the Federal Law Enforcement Training Cen-
10 ter, except that total obligations at the end of the fiscal
11 year shall not exceed total budgetary resources available
12 at the end of the fiscal year: *Provided further*, That the
13 Federal Law Enforcement Training Center is authorized
14 to provide short term medical services for students under-
15 going training at the Center.

16 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
17 RELATED EXPENSES

18 For expansion of the Federal Law Enforcement
19 Training Center, for acquisition of necessary additional
20 real property and facilities, and for ongoing maintenance,
21 facility improvements, and related expenses, \$18,884,000,
22 to remain available until expended.

1 FINANCIAL MANAGEMENT SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the Financial Management
4 Service, \$196,069,000, of which not to exceed
5 \$14,277,000 shall remain available until expended for sys-
6 tems modernization initiatives. In addition, \$90,000, to be
7 derived from the Oil Spill Liability Trust Fund, to reim-
8 burse the Service for administrative and personnel ex-
9 penses for financial management of the Fund, as author-
10 ized by section 1012 of Public Law 101-380: *Provided*,
11 That none of the funds made available for systems mod-
12 ernization initiatives may not be obligated until the Com-
13 missioner of the Financial Management Service has sub-
14 mitted, and the Committees on Appropriations of the
15 House and Senate have approved, a report that identifies,
16 evaluates, and prioritizes all computer systems invest-
17 ments planned for fiscal year 1997, a milestone schedule
18 for the development and implementation of all projects in-
19 cluded in the systems investment plan, and a systems ar-
20 chitecture plan.

21 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

22 SALARIES AND EXPENSES

23 For necessary expenses of the Bureau of Alcohol, To-
24 bacco and Firearms, including purchase of not to exceed
25 650 vehicles for police-type use for replacement only and

1 hire of passenger motor vehicles; hire of aircraft; and serv-
2 ices of expert witnesses at such rates as may be deter-
3 mined by the Director; for payment of per diem and/or
4 subsistence allowances to employees where an assignment
5 to the National Response Team during the investigation
6 of a bombing or arson incident requires an employee to
7 work 16 hours or more per day or to remain overnight
8 at his or her post of duty; not to exceed \$12,500 for offi-
9 cial reception and representation expenses; for training of
10 State and local law enforcement agencies with or without
11 reimbursement, including training in connection with the
12 training and acquisition of canines for explosives and fire
13 accelerants detection; provision of laboratory assistance to
14 State and local agencies, with or without reimbursement;
15 \$393,971,000, of which \$12,011,000, to remain available
16 until expended, shall be available for arson investigations,
17 with priority assigned to any arson, explosion or violence
18 against religious institutions; which not to exceed
19 \$1,000,000 shall be available for the payment of attor-
20 neys' fees as provided by 18 U.S.C. 924(d)(2); and of
21 which \$1,000,000 shall be available for the equipping of
22 any vessel, vehicle, equipment, or aircraft available for of-
23 ficial use by a State or local law enforcement agency if
24 the conveyance will be used in drug-related joint law en-
25 forcement operations with the Bureau of Alcohol, Tobacco

1 and Firearms and for the payment of overtime salaries,
2 travel, fuel, training, equipment, and other similar costs
3 of State and local law enforcement officers that are in-
4 curred in joint operations with the Bureau of Alcohol, To-
5 bacco and Firearms: *Provided*, That no funds made avail-
6 able by this or any other Act may be used to transfer the
7 functions, missions, or activities of the Bureau of Alcohol,
8 Tobacco and Firearms to other agencies or Departments
9 in the fiscal year ending on September 30, 1997: *Provided*
10 *further*, That no funds appropriated herein shall be avail-
11 able for salaries or administrative expenses in connection
12 with consolidating or centralizing, within the Department
13 of the Treasury, the records, or any portion thereof, of
14 acquisition and disposition of firearms maintained by Fed-
15 eral firearms licensees: *Provided further*, That no funds
16 appropriated herein shall be used to pay administrative
17 expenses or the compensation of any officer or employee
18 of the United States to implement an amendment or
19 amendments to 27 CFR 178.118 or to change the defini-
20 tion of “Curios or relics” in 27 CFR 178.11 or remove
21 any item from ATF Publication 5300.11 as it existed on
22 January 1, 1994: *Provided further*, That none of the funds
23 appropriated herein shall be available to investigate or act
24 upon applications for relief from Federal firearms disabil-
25 ities under 18 U.S.C. 925(c): *Provided further*, That such

1 on Transportation and Infrastructure and the Senate
2 Committee on Environment and Public Works.

3 UNITED STATES CUSTOMS SERVICE

4 SALARIES AND EXPENSES

5 INCLUDING TRANSFER OF FUNDS

6 For necessary expenses of the United States Customs
7 Service, including purchase of up to 1,000 motor vehicles
8 of which 960 are for replacement only, including 990 for
9 police-type use and commercial operations; hire of motor
10 vehicles; contracting with individuals for personal services
11 abroad; not to exceed \$30,000 for official reception and
12 representation expenses; and awards of compensation to
13 informers, as authorized by any Act enforced by the
14 United States Customs Service; \$1,487,250,000; of which
15 \$65,000,000 shall be available until expended for Oper-
16 ation Hardline; of which \$28,000,000 shall remain avail-
17 able until expended for acquisition of aircraft and related
18 operations and maintenance associated with Operation
19 Gateway; and of which such sums as become available in
20 the Customs User Fee Account, except sums subject to
21 section 13031(f)(3) of the Consolidated Omnibus Rec-
22 onciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)),
23 shall be derived from that Account; of the total, not to
24 exceed \$150,000 shall be available for payment for rental
25 space in connection with preclearance operations, and not
26 to exceed \$4,000,000 shall be available until expended for

1 research and not to exceed \$1,000,000 shall be available
2 until expended for conducting special operations pursuant
3 to 19 U.S.C. 2081 and up to \$6,000,000 shall be available
4 until expended for the procurement of automation infra-
5 structure items, including hardware, software, and instal-
6 lation: *Provided*, That uniforms may be purchased without
7 regard to the general purchase price limitation for the cur-
8 rent fiscal year: *Provided further*, That the United States
9 Custom Service shall implement the General Aviation Tel-
10 ephonic Entry program within 30 days of enactment of
11 this Act: *Provided further*, That no funds available for sep-
12 aration incentive payments as authorized by section 525
13 of this Act may be obligated without the advance approval
14 of the House and Senate Committees on Appropriations:
15 *Provided further*, That the Spirit of St. Louis Airport in
16 St. Louis County, Missouri, shall be designated a port of
17 entry: *Provided further*, That no funds under this Act may
18 be used to provide less than 30 days public notice for any
19 change in apparel regulations: *Provided further*, That
20 \$750,000 shall be available for additional part-time and
21 temporary positions in the Honolulu Customs District:
22 *Provided further*, That of the funds appropriated
23 \$2,500,000 may be made available for the Western Hemi-
24 sphere Trade Center authorized by Public Law 103-182.

1 OPERATION AND MAINTENANCE, AIR AND MARINE

2 INTERDICTION PROGRAMS

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of marine vessels, air-
5 craft, and other related equipment of the Air and Marine
6 Programs, including operational training and mission-re-
7 lated travel, and rental payments for facilities occupied by
8 the air or marine interdiction and demand reduction pro-
9 grams, the operations of which include: the interdiction
10 of narcotics and other goods; the provision of support to
11 Customs and other Federal, State, and local agencies in
12 the enforcement or administration of laws enforced by the
13 Customs Service; and, at the discretion of the Commis-
14 sioner of Customs, the provision of assistance to Federal,
15 State, and local agencies in other law enforcement and
16 emergency humanitarian efforts; \$83,363,000, which shall
17 remain available until expended: *Provided*, That no air-
18 craft or other related equipment, with the exception of air-
19 craft which is one of a kind and has been identified as
20 excess to Customs requirements and aircraft which has
21 been damaged beyond repair, shall be transferred to any
22 other Federal agency, Department, or office outside of the
23 Department of the Treasury, during fiscal year 1997 with-
24 out the prior approval of the House and Senate Commit-
25 tees on Appropriations.

1 CUSTOMS SERVICES AT SMALL AIRPORTS
2 (TO BE DERIVED FROM FEES COLLECTED)

3 Such sums as may be necessary for expenses for the
4 provision of Customs services at certain small airports or
5 other facilities when authorized by law and designated by
6 the Secretary of the Treasury, including expenditures for
7 the salary and expenses of individuals employed to provide
8 such services, to be derived from fees collected by the Sec-
9 retary pursuant to section 236 of Public Law 98–573 for
10 each of these airports or other facilities when authorized
11 by law and designated by the Secretary, and to remain
12 available until expended.

13 HARBOR MAINTENANCE FEE COLLECTION

14 For administrative expenses related to the collection
15 of the Harbor Maintenance Fee, pursuant to Public Law
16 103–182, \$3,000,000, to be derived from the Harbor
17 Maintenance Trust Fund and to be transferred to and
18 merged with the Customs “Salaries and Expenses” ac-
19 count for such purposes.

20 BUREAU OF THE PUBLIC DEBT

21 ADMINISTERING THE PUBLIC DEBT

22 For necessary expenses connected with any public-
23 debt issues of the United States; \$169,735,000: *Provided,*
24 That the sum appropriated herein from the General Fund
25 for fiscal year 1997 shall be reduced by not more than

1 \$4,400,000 as definitive security issue fees and Treasury
2 Direct Investor Account Maintenance fees are collected,
3 so as to result in a final fiscal year 1997 appropriation
4 from the General Fund estimated at \$165,335,000.

5 INTERNAL REVENUE SERVICE

6 PROCESSING, ASSISTANCE, AND MANAGEMENT

7 For necessary expenses of the Internal Revenue Serv-
8 ice, not otherwise provided for; including processing tax
9 returns; revenue accounting; providing assistance to tax-
10 payers, management services, and inspection; including
11 purchase (not to exceed 150 for replacement only for po-
12 lice-type use) and hire of passenger motor vehicles (31
13 U.S.C. 1343(b)); and services as authorized by 5 U.S.C.
14 3109, at such rates as may be determined by the Commis-
15 sioner; \$1,779,840,000, of which up to \$3,700,000 shall
16 be for the Tax Counseling for the Elderly Program, and
17 of which not to exceed \$25,000 shall be for official recep-
18 tion and representation expenses.

19 TAX LAW ENFORCEMENT

20 For necessary expenses of the Internal Revenue Serv-
21 ice for determining and establishing tax liabilities; tax and
22 enforcement litigation; technical rulings; examining em-
23 ployee plans and exempt organizations; investigation and
24 enforcement activities; securing unfiled tax returns; col-
25 lecting unpaid accounts; statistics of income and compli-

1 ance research; the purchase (for police-type use, not to
2 exceed 850), and hire of passenger motor vehicles (31
3 U.S.C. 1343(b)); and services as authorized by 5 U.S.C.
4 3109, at such rates as may be determined by the Commis-
5 sioner \$4,078,211,000, of which not to exceed \$1,000,000
6 shall remain available until September 30, 1999, for re-
7 search.

8 INFORMATION SYSTEMS

9 For necessary expenses for data processing and tele-
10 communications support for Internal Revenue Service ac-
11 tivities, including tax systems modernization and oper-
12 ational information systems; the hire of passenger motor
13 vehicles (31 U.S.C. 1343(b)); and services as authorized
14 by 5 U.S.C. 3109, at such rates as may be determined
15 by the Commissioner, \$1,323,075,000, of which no less
16 than \$130,075,000 shall be available for Tax Systems
17 Modernization (TSM) development and deployment which
18 shall be available until September 30, 1999, and of which
19 no less than \$206,200,000 shall be available for TSM
20 Operational Systems: *Provided*, That \$70,979,000 of the
21 funds made available for TSM development and deploy-
22 ment shall not be available until the Internal Revenue
23 Service has in place a complete and approved systems ar-
24 chitecture for TSM: *Provided further*, That none of the
25 funds made available for TSM Operational Systems shall
26 be available after June 30, 1997, unless the Department

1 of the Treasury has prepared for release a Final Request
2 for Proposal which would be used as a base for a solicita-
3 tion of a contract with an alternative or new Prime Con-
4 tractor to manage, integrate, test and implement the TSM
5 program: *Provided further*, That all activities associated
6 with the development of a request for proposal, contract
7 solicitation, and contract award for private sector assist-
8 ance on TSM (both operational systems and development
9 and deployment systems), beyond private sector assistance
10 which is currently under contract, shall be conducted by
11 the Department of the Treasury's Modernization Manage-
12 ment Board: *Provided further*, That the Internal Revenue
13 Service shall submit, by February 1, 1997, a timetable for
14 implementing, by October 1, 1997, all recommendations
15 made by the General Accounting Office in its July 1995
16 report, entitled: "Tax Systems Modernization: Manage-
17 ment and Technical Weaknesses Must Be Corrected If
18 Modernization Is To Succeed": *Provided further*, That the
19 Internal Revenue Service shall submit, by December 1,
20 1996, a schedule to transfer, not later than June 30,
21 1997, a majority of Tax Systems Modernization develop-
22 ment, deployment, management, integration, and testing,
23 from the Internal Revenue Service to the private sector.

1 INFORMATION SYSTEMS
2 (RESCISSION)

3 Of the funds made available under this heading for
4 Information Systems in Public Law 104–52,
5 \$115,000,000 are rescinded, in Public Law 103–123,
6 \$17,447,000 are rescinded, in Public Law 102–393,
7 \$15,000,000 are rescinded, and in Public Law 102–141,
8 \$27,000,000 are rescinded.

9 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE
10 SERVICE

11 SECTION 101. Not to exceed 5 percent of any appro-
12 priation made available in this Act to the Internal Revenue
13 Service may be transferred to any other Internal Revenue
14 Service appropriation upon the advance approval of the
15 House and Senate Committees on Appropriations.

16 SEC. 102. The Internal Revenue Service shall main-
17 tain a training program to insure that Internal Revenue
18 Service employees are trained in taxpayers' rights, in deal-
19 ing courteously with the taxpayers, and in cross-cultural
20 relations.

21 SEC. 103. The funds provided in this Act for the In-
22 ternal Revenue Service shall be used to provide as a mini-
23 mum, the fiscal year 1995 level of service, staffing, and
24 funding for Taxpayer Services.

25 SEC. 104. No funds available in this Act to the Inter-
26 nal Revenue Service for separation incentive payments as

1 authorized by section 525 of this Act may be obligated
2 without the advance approval of the House and Senate
3 Committees on Appropriations.

4 SEC. 105. The Internal Revenue Service is prohibited
5 from expending funds for the field office reorganization
6 plan until the National Commission on Restructuring the
7 Internal Revenue Service has had an opportunity to issue
8 their final report.

9 SEC. 106. Funds made available by this or any other
10 Act to the Internal Revenue Service shall be available for
11 improved facilities and increased manpower to provide suf-
12 ficient and effective 1-800 help line for taxpayers. The
13 Commissioner shall make the improvement of the IRS 1-
14 800 help line service a priority and allocate resources nec-
15 essary to increase phone lines and staff to improve the
16 IRS 1-800 help line service.

17 SEC. 107. No funds made available by this Act, or
18 any other Act, to the Internal Revenue Service may be
19 used to pay for the design and printing of more than two
20 ink colors on the covers of income tax packages, and such
21 ink colors must be the same colors as used to print the
22 balance of the material in each package.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Secret
4 Service, including purchase (not to exceed 702 vehicles for
5 police-type use, of which 665 shall be for replacement
6 only), and hire of passenger motor vehicles; hire of air-
7 craft; training and assistance requested by State and local
8 governments, which may be provided without reimburse-
9 ment; services of expert witnesses at such rates as may
10 be determined by the Director; rental of buildings in the
11 District of Columbia, and fencing, lighting, guard booths,
12 and other facilities on private or other property not in
13 Government ownership or control, as may be necessary to
14 perform protective functions; for payment of per diem and/
15 or subsistence allowances to employees where a protective
16 assignment during the actual day or days of the visit of
17 a protectee require an employee to work 16 hours per day
18 or to remain overnight at his or her post of duty; the con-
19 ducting of and participating in firearms matches; presen-
20 tation of awards; and for travel of Secret Service employ-
21 ees on protective missions without regard to the limita-
22 tions on such expenditures in this or any other Act: *Pro-*
23 *vided*, That approval is obtained in advance from the
24 House and Senate Committees on Appropriations; for re-
25 pairs, alterations, and minor construction at the James

1 J. Rowley Secret Service Training Center; for research
2 and development; for making grants to conduct behavioral
3 research in support of protective research and operations;
4 not to exceed \$20,000 for official reception and represen-
5 tation expenses; not to exceed \$50,000 to provide technical
6 assistance and equipment to foreign law enforcement orga-
7 nizations in counterfeit investigations; for payment in ad-
8 vance for commercial accommodations as may be nec-
9 essary to perform protective functions; and for uniforms
10 without regard to the general purchase price limitation for
11 the current fiscal year: *Provided further*, That 3 U.S.C.
12 203(a) is amended by deleting “but not exceeding twelve
13 hundred in number”; \$528,262,000, of which \$1,200,000
14 shall be available as a grant for activities related to the
15 investigations of missing and exploited children and shall
16 remain available until expended.

17 SALARIES AND EXPENSES

18 (RESCISSION)

19 Of the funds made available under this heading in
20 Public Law 104–52, \$7,600,000 are rescinded.

21 ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND

22 RELATED EXPENSES

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of construction, repair, alter-
25 ation, and improvement of facilities, \$37,365,000, of
26 which \$8,200,000 shall be available for the Rowley Secret

1 Service Training Center, to remain available until ex-
2 pended: *Provided*, That funds previously provided under
3 the title, “Treasury Buildings and Annex Repair and Res-
4 toration,” for the Secret Service’s Headquarters Building,
5 shall be transferred to this account: *Provided further*, That
6 funds for the Rowley Secret Service Training Center shall
7 not be available until a prospectus authorizing such facili-
8 ties is approved in accordance with the Public Buildings
9 Act of 1959, as amended, except that funds may be ex-
10 pended for required expenses in connection with the devel-
11 opment of a proposed prospectus.

12 GENERAL PROVISIONS—DEPARTMENT OF THE
13 TREASURY

14 SECTION 111. Any obligation or expenditure by the
15 Secretary in connection with law enforcement activities of
16 a Federal agency or a Department of the Treasury law
17 enforcement organization in accordance with 31 U.S.C.
18 9703(g)(4)(B) from unobligated balances remaining in the
19 Fund on September 30, 1997, shall be made in compliance
20 with the reprogramming guidelines contained in the House
21 and Senate reports accompanying this Act.

22 SEC. 112. Appropriations to the Treasury Depart-
23 ment in this Act shall be available for uniforms or allow-
24 ances therefor, as authorized by law (5 U.S.C. 5901), in-
25 cluding maintenance, repairs, and cleaning; purchase of

1 insurance for official motor vehicles operated in foreign
2 countries; purchase of motor vehicles without regard to the
3 general purchase price limitations for vehicles purchased
4 and used overseas for the current fiscal year; entering into
5 contracts with the Department of State for the furnishing
6 of health and medical services to employees and their de-
7 pendants serving in foreign countries; and services author-
8 ized by 5 U.S.C. 3109.

9 SEC. 113. None of the funds appropriated by this
10 title shall be used in connection with the collection of any
11 underpayment of any tax imposed by the Internal Revenue
12 Code of 1986 unless the conduct of officers and employees
13 of the Internal Revenue Service in connection with such
14 collection, including any private sector employees under
15 contract to the Internal Revenue Service, complies with
16 subsection (a) of section 805 (relating to communications
17 in connection with debt collection), and section 806 (relat-
18 ing to harassment or abuse), of the Fair Debt Collection
19 Practices Act (15 U.S.C. 1692).

20 SEC. 114. The Internal Revenue Service shall insti-
21 tute policies and procedures which will safeguard the con-
22 fidentiality of taxpayer information.

23 SEC. 115. The funds provided to the Bureau of Alco-
24 hol, Tobacco, and Firearms for fiscal year 1997 in this
25 Act for the enforcement of the Federal Alcohol Adminis-

1 tration Act shall be expended in a manner so as not to
2 diminish enforcement efforts with respect to section 105
3 of the Federal Alcohol Administration Act.

4 SEC. 116. Paragraph (3)(C) of section 9703(g) of
5 title 31, United States Code, is amended—

6 (1) by striking in the third sentence “and at
7 the end of each fiscal year thereafter”;

8 (2) by inserting in lieu thereof “1994, 1995,
9 and 1996”; and

10 (3) by adding at the end the following new sen-
11 tence: “At the end of fiscal year 1997, and at the
12 end of each fiscal year thereafter, the Secretary shall
13 reserve any amounts that are required to be retained
14 in the Fund to ensure the availability of amounts in
15 the subsequent fiscal year for purposes authorized
16 under subsection (a).”

17 SEC. 117. Of the funds available to the Internal Reve-
18 nue Service, \$13,000,000 shall be made available to con-
19 tinue the private sector debt collection program which was
20 initiated in fiscal year 1996 and \$13,000,000 shall be
21 transferred to the Departmental Offices appropriation to
22 initiate a new private sector debt collection program: *Pro-*
23 *vided*, That the transfer provided herein shall be in addi-
24 tion to any other transfer authority contained in this Act.

1 SEC. 118. Section 923(j) of title 18, United States
2 Code, is amended by striking the period after the last sen-
3 tence, and inserting the following: “, including the right
4 of a licensee to conduct ‘curios or relics’ firearms transfers
5 and business away from their business premises with an-
6 other licensee without regard as to whether the location
7 of where the business is conducted is located in the State
8 specified on the license of either licensee.”.

9 This title may be cited as the “Treasury Department
10 Appropriations Act, 1997”.

11 TITLE II—POSTAL SERVICE

12 PAYMENTS TO THE POSTAL SERVICE

13 PAYMENT TO THE POSTAL SERVICE FUND

14 For payment to the Postal Service Fund for revenue
15 forgone on free and reduced rate mail, pursuant to sub-
16 sections (c) and (d) of section 2401 of title 39, United
17 States Code, \$85,080,000: *Provided*, That mail for over-
18 seas voting and mail for the blind shall continue to be free:
19 *Provided further*, That 6-day delivery and rural delivery
20 of mail shall continue at not less than the 1983 level: *Pro-*
21 *vided further*, That none of the funds made available to
22 the Postal Service by this Act shall be used to implement
23 any rule, regulation, or policy of charging any officer or
24 employee of any State or local child support enforcement
25 agency, or any individual participating in a State or local

1 program of child support enforcement, a fee for informa-
 2 tion requested or provided concerning an address of a
 3 postal customer: *Provided further*, That none of the funds
 4 provided in this Act shall be used to consolidate or close
 5 small rural and other small post offices in the fiscal year
 6 ending on September 30, 1997.

7 PAYMENT TO THE POSTAL SERVICE FUND FOR
 8 NONFUNDED LIABILITIES

9 For payment to the Postal Service Fund for meeting
 10 the liabilities of the former Post Office Department to the
 11 Employees' Compensation Fund pursuant to 39 United
 12 States Code 2004, \$35,536,000.

13 TITLE III—EXECUTIVE OFFICE OF THE
 14 PRESIDENT AND FUNDS APPROPRIATED TO
 15 THE PRESIDENT

16 COMPENSATION OF THE PRESIDENT AND
 17 THE WHITE HOUSE OFFICE

18 COMPENSATION OF THE PRESIDENT

19 For compensation of the President, including an ex-
 20 pense allowance at the rate of \$50,000 per annum as au-
 21 thorized by 3 U.S.C. 102, \$250,000: *Provided*, That none
 22 of the funds made available for official expenses shall be
 23 expended for any other purpose and any unused amount
 24 shall revert to the Treasury pursuant to section 1552 of
 25 title 31, United States Code: *Provided further*, That none

1 of the funds made available for official expenses shall be
2 considered as taxable to the President.

3 SALARIES AND EXPENSES

4 For necessary expenses for the White House as au-
5 thorized by law, including not to exceed \$3,850,000 for
6 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
7 including subsistence expenses as authorized by 3 U.S.C.
8 105, which shall be expended and accounted for as pro-
9 vided in that section; hire of passenger motor vehicles,
10 newspapers, periodicals, teletype news service, and travel
11 (not to exceed \$100,000 to be expended and accounted
12 for as provided by 3 U.S.C. 103); not to exceed \$19,000
13 for official entertainment expenses, to be available for allo-
14 cation within the Executive Office of the President;
15 \$40,193,000: *Provided*, That \$420,000 of the funds ap-
16 propriated may not be obligated until the Director of the
17 Office of Administration has submitted, and the Commit-
18 tees on Appropriations of the House and Senate have ap-
19 proved, a report that identifies, evaluates, and prioritizes
20 all computer systems investments planned for fiscal year
21 1997, a milestone schedule for the development and imple-
22 mentation of all projects included in the systems invest-
23 ment plan, and a systems architecture plan.

1 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

2 OPERATING EXPENSES

3 For the care, maintenance, repair and alteration, re-
4 furnishing, improvement, heating and lighting, including
5 electric power and fixtures, of the Executive Residence at
6 the White House and official entertainment expenses of
7 the President, \$7,827,000, to be expended and accounted
8 for as provided by 3 U.S.C. 105, 109–110, 112–114.

9 SPECIAL ASSISTANCE TO THE PRESIDENT AND THE

10 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

11 SALARIES AND EXPENSES

12 For necessary expenses to enable the Vice President
13 to provide assistance to the President in connection with
14 specially assigned functions, services as authorized by 5
15 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
16 penses as authorized by 3 U.S.C. 106, which shall be ex-
17 pended and accounted for as provided in that section; and
18 hire of passenger motor vehicles; \$3,280,000: *Provided,*
19 That \$150,000 of the funds appropriated may not be obli-
20 gated until the Director of the Office of Administration
21 has submitted, and the Committees on Appropriations of
22 the House and Senate have approved, a report that identi-
23 fies, evaluates, and prioritizes all computer systems invest-
24 ments planned for fiscal year 1997, a milestone schedule
25 for the development and implementation of all projects in-

1 cluded in the systems investment plan, and a systems ar-
2 chitecture plan.

3 OPERATING EXPENSES

4 For the care, operation, refurnishing, improvement,
5 heating and lighting, including electric power and fixtures,
6 of the official residence of the Vice President, the hire of
7 passenger motor vehicles, and not to exceed \$90,000 for
8 official entertainment expenses of the Vice President, to
9 be accounted for solely on his certificate; \$324,000: *Pro-*
10 *vided*, That advances or repayments or transfers from this
11 appropriation may be made to any department or agency
12 for expenses of carrying out such activities: *Provided fur-*
13 *ther*, That \$8,000 of the funds appropriated may not be
14 obligated until the Director of the Office of Administration
15 has submitted for approval to the Committees on Appro-
16 priations of the House and Senate a report that identifies,
17 evaluates, and prioritizes all computer systems invest-
18 ments planned for fiscal year 1997, a milestone schedule
19 for the development and implementation of all projects in-
20 cluded in the systems investment plan, and a systems ar-
21 chitecture plan.

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Council in carrying out
4 its functions under the Employment Act of 1946 (15
5 U.S.C. 1021), \$3,439,000.

6 OFFICE OF POLICY DEVELOPMENT

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Policy Devel-
9 opment, including services as authorized by 5 U.S.C.
10 3109, and 3 U.S.C. 107; \$3,867,000: *Provided*, That
11 \$45,000 of the funds appropriated may not be obligated
12 until the Director of the Office of Administration has sub-
13 mitted, and the Committees on Appropriations of the
14 House and Senate have approved, a report that identifies,
15 evaluates, and prioritizes all computer systems invest-
16 ments planned for fiscal year 1997, a milestone schedule
17 for the development and implementation of all projects in-
18 cluded in the systems investment plan, and a systems ar-
19 chitecture plan.

20 NATIONAL SECURITY COUNCIL

21 SALARIES AND EXPENSES

22 For necessary expenses of the National Security
23 Council, including services as authorized by 5 U.S.C.
24 3109, \$6,648,000: *Provided*, That \$3,000 of the funds ap-
25 propriated may not be obligated until the Director of the

1 Office of Administration has submitted, and the Commit-
2 tees on Appropriations of the House and Senate have ap-
3 proved, a report that identifies, evaluates, and prioritizes
4 all computer systems investments planned for fiscal year
5 1997, a milestone schedule for the development and imple-
6 mentation of all projects included in the systems invest-
7 ment plan, and a systems architecture plan.

8 OFFICE OF ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of Administra-
11 tion, \$26,100,000, including services as authorized by 5
12 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger
13 motor vehicles: *Provided*, That \$340,700 of the funds ap-
14 propriated may not be obligated until the Director of the
15 Office of Administration has submitted, and the Commit-
16 tees on Appropriations of the House and Senate have ap-
17 proved, a report that identifies, evaluates, and prioritizes
18 all computer systems investments planned for fiscal year
19 1997, a milestone schedule for the development and imple-
20 mentation of all projects included in the systems invest-
21 ment plan, and a systems architecture plan.

22 OFFICE OF MANAGEMENT AND BUDGET

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Management
25 and Budget, including hire of passenger motor vehicles,

1 services as authorized by 5 U.S.C. 3109, \$55,573,000, of
2 which not to exceed \$5,000,000 shall be available to carry
3 out the provisions of 44 U.S.C. chapter 35: *Provided*,
4 That, as provided in 31 U.S.C. 1301(a), appropriations
5 shall be applied only to the objects for which appropria-
6 tions were made except as otherwise provided by law: *Pro-*
7 *vided further*, That none of the funds appropriated in this
8 Act for the Office of Management and Budget may be
9 used for the purpose of reviewing any agricultural market-
10 ing orders or any activities or regulations under the provi-
11 sions of the Agricultural Marketing Agreement Act of
12 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none
13 of the funds made available for the Office of Management
14 and Budget by this Act may be expended for the altering
15 of the transcript of actual testimony of witnesses, except
16 for testimony of officials of the Office of Management and
17 Budget, before the House and Senate Committees on Ap-
18 propriations or the House and Senate Committees on Vet-
19 erans' Affairs or their subcommittees: *Provided further*,
20 That this proviso shall not apply to printed hearings re-
21 leased by the House and Senate Committees on Appro-
22 priations or the House and Senate Committees on Veter-
23 ans' Affairs.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Office of National
5 Drug Control Policy; for research activities pursuant to
6 title I of Public Law 100–690; not to exceed \$8,000 for
7 official reception and representation expenses; and for par-
8 ticipation in joint projects or in the provision of services
9 on matters of mutual interest with nonprofit, research, or
10 public organizations or agencies, with or without reim-
11 bursement; \$35,838,000, of which \$19,000,000 shall re-
12 main available until expended, consisting of \$1,000,000
13 for policy research and evaluation and \$18,000,000 for the
14 Counter-Drug Technology Assessment Center for
15 counternarcotics research and development projects of
16 which \$1,000,000 shall be obligated for state conferences
17 on model state drug laws: *Provided*, That the \$17,000,000
18 for the Counter-Drug Technology Assessment Center shall
19 be available for transfer to other Federal departments or
20 agencies: *Provided further*, That the Office is authorized
21 to accept, hold, administer, and utilize gifts, both real and
22 personal, for the purpose of aiding or facilitating the work
23 of the Office: *Provided further*, That not before January
24 31, 1997, the Director of the Office of National Drug Con-
25 trol Policy shall transfer all balances in the Special For-

1 forfeiture Fund established by section 6073 of the Anti-Drug
2 Abuse Act of 1988 (21 U.S.C. § 1509) to the Treasury
3 Forfeiture Fund (31 U.S.C. 9703(a)).

4 FEDERAL DRUG CONTROL PROGRAMS

5 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Office of National
8 Drug Control Policy's High Intensity Drug Trafficking
9 Areas Program, \$127,102,000 for drug control activities
10 consistent with the approved strategy for each of the des-
11 ignated High Intensity Drug Trafficking Areas, of which
12 \$3,000,000 shall be used for a newly designated High In-
13 tensity Drug Trafficking Area in Lake County, Indiana;
14 of which \$6,000,000 shall be used for a newly designated
15 High Intensity Drug Trafficking Area for the Gulf Coast
16 States of Louisiana, Alabama, and Mississippi; of which
17 \$8,000,000 shall be used for a newly designated High In-
18 tensity Drug Trafficking Area dedicated to combating
19 methamphetamine use, production and trafficking in a five
20 State area including Iowa, Missouri, Nebraska, South Da-
21 kota, and Kansas; of which \$3,000,000 shall be used for
22 a newly designated High Intensity Drug Trafficking Area
23 in the State of Colorado; of which \$3,000,000 shall be
24 used for a newly designated High Intensity Drug Traffick-
25 ing Area in the Pacific Northwest; of the total amount
26 appropriated, including transferred funds, no less than

1 \$71,000,000 shall be transferred to State and local enti-
2 ties for drug control activities, and up to \$69,207,000 may
3 be transferred to Federal agencies and departments at a
4 rate to be determined by the Director: *Provided*, That the
5 funds made available under this head shall be obligated
6 within 90 days of the date of enactment of this Act.

7 This title may be cited as the “Executive Office Ap-
8 propriations Act, 1997”.

9 TITLE IV—INDEPENDENT AGENCIES

10 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

11 BLIND OR SEVERELY DISABLED

12 SALARIES AND EXPENSES

13 For necessary expenses of the Committee for Pur-
14 chase From People Who Are Blind or Severely Disabled
15 established by the Act of June 23, 1971, Public Law 92-
16 28; \$1,800,000.

17 FEDERAL ELECTION COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses to carry out the provisions
20 of the Federal Election Campaign Act of 1971, as amend-
21 ed, \$28,165,000, of which no less than \$2,500,000 shall
22 be available for internal automated data processing sys-
23 tems, and of which not to exceed \$5,000 shall be available
24 for reception and representation expenses.

1 FEDERAL LABOR RELATIONS AUTHORITY
2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Federal Labor Relations Authority, pursuant to Reorga-
5 nization Plan Numbered 2 of 1978, and the Civil Service
6 Reform Act of 1978, including services as authorized by
7 5 U.S.C. 3109, including hire of experts and consultants,
8 hire of passenger motor vehicles, rental of conference
9 rooms in the District of Columbia and elsewhere;
10 \$21,588,000: *Provided*, That public members of the Fed-
11 eral Service Impasses Panel may be paid travel expenses
12 and per diem in lieu of subsistence as authorized by law
13 (5 U.S.C. 5703) for persons employed intermittently in
14 the Government service, and compensation as authorized
15 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
16 31 U.S.C. 3302, funds received from fees charged to non-
17 Federal participants at labor-management relations con-
18 ferences shall be credited to and merged with this account,
19 to be available without further appropriation for the costs
20 of carrying out these conferences.

21 GENERAL SERVICES ADMINISTRATION
22 FEDERAL BUILDINGS FUND
23 LIMITATIONS ON AVAILABILITY OF REVENUE
24 (INCLUDING TRANSFER OF FUNDS)

25 For additional expenses necessary to carry out the
26 purpose of the Fund established pursuant to section

1 210(f) of the Federal Property and Administrative Serv-
2 ices Act of 1949, as amended (40 U.S.C. 490(f)),
3 \$400,544,000, to be deposited into said Fund. The reve-
4 nues and collections deposited into the Fund shall be avail-
5 able for necessary expenses of real property management
6 and related activities not otherwise provided for, including
7 operation, maintenance, and protection of federally owned
8 and leased buildings; rental of buildings in the District
9 of Columbia; restoration of leased premises; moving gov-
10 ernmental agencies (including space adjustments and tele-
11 communications relocation expenses) in connection with
12 the assignment, allocation and transfer of space; contrac-
13 tual services incident to cleaning or servicing buildings,
14 and moving; repair and alteration of federally owned build-
15 ings including grounds, approaches and appurtenances;
16 care and safeguarding of sites; maintenance, preservation,
17 demolition, and equipment; acquisition of buildings and
18 sites by purchase, condemnation, or as otherwise author-
19 ized by law; acquisition of options to purchase buildings
20 and sites; conversion and extension of federally owned
21 buildings; preliminary planning and design of projects by
22 contract or otherwise; construction of new buildings (in-
23 cluding equipment for such buildings); and payment of
24 principal, interest, taxes, and any other obligations for
25 public buildings acquired by installment purchase and pur-

1 chase contract, in the aggregate amount of
2 \$5,555,544,000 of which (1) not to exceed \$657,711,000
3 shall remain available until expended for construction of
4 additional projects and at maximum construction improve-
5 ment costs (including funds for sites and expenses and as-
6 sociated design and construction services) as follows:

7 New Construction:

8 California:

9 Fresno, Federal Building and U.S. Courthouse,
10 \$6,595,000

11 Colorado:

12 Denver, Rogers Federal Building-U.S. Court-
13 house, \$9,545,000

14 District of Columbia:

15 U.S. Courthouse Annex, \$5,703,000

16 Florida:

17 Miami, U.S. Courthouse, \$24,990,000

18 Orlando, U.S. Courthouse, \$9,514,000

19 Kentucky:

20 Covington, U.S. Courthouse, \$17,134,000

21 London, U.S. Courthouse, \$13,732,000

22 Montana:

23 Babb, Piegan Border Station, \$333,000

24 Sweetgrass, Border Station, \$1,059,000

25 Nevada:

1 Las Vegas, U.S. Courthouse, \$83,719,000
2 New York:
3 Brooklyn, U.S. Courthouse, \$169,000,000
4 Ohio:
5 Cleveland, U.S. Courthouse, \$128,559,000
6 Youngstown, U.S. Courthouse, \$15,813,000
7 Oregon:
8 Portland, Consolidated Law Federal Office
9 Building, \$4,750,000
10 Pennsylvania:
11 Erie, U.S. Courthouse Annex, \$3,300,000
12 Philadelphia, DVA-Federal Complex, Phase II,
13 \$13,765,000
14 South Carolina:
15 Columbia, U.S. Courthouse Annex, \$43,848,000
16 Texas:
17 Corpus Christi, U.S. Courthouse, \$24,161,000
18 Utah:
19 Salt Lake City, Moss U.S. Courthouse Annex
20 and Alteration, \$11,474,000
21 Washington:
22 Blaine, U.S. Border Station, \$13,978,000
23 Oroville, U.S. Border Station, \$1,452,000
24 Seattle, U.S. Courthouse, \$16,853,000

1 Sumas, U.S. Border Station (Claim),
2 \$1,177,000

3 Nationwide:

4 Non-prospectus construction projects,
5 \$10,000,000

6 Security Enhancements, \$27,256,000:

7 *Provided*, That each of the immediately foregoing limits
8 of costs on new construction projects may be exceeded to
9 the extent that savings are affected in other such projects,
10 but not to exceed 10 percent unless advance approval is
11 obtained from the House and Senate Committees on Ap-
12 propriations of a greater amount: *Provided further*, That
13 the cost of future U.S. Courthouse annex projects shall
14 reflect savings through improving design efficiencies, cur-
15 tailing planned interior finishes, requiring more efficient
16 use of courtroom and library space, and by otherwise lim-
17 iting space requirements: *Providing further*, That from
18 funds available in the Federal Buildings Fund,
19 \$20,000,000 shall be available until expended for environ-
20 mental clean up activities at the Southeast Federal Center
21 in the District of Columbia and \$81,000,000 shall be
22 available until expended for design and construction activi-
23 ties at the Consolidated Law Federal Office Building in
24 Portland, Oregon: *Provided further*, That from funds
25 available for nonprospectus construction projects,

1 \$250,000 may be available until expended for the acquisi-
 2 tion, lease, construction, and equipping of flexiplace work
 3 telecommuting centers in West Virginia: *Provided further,*
 4 That all funds for direct construction projects shall expire
 5 on September 30, 1999: (2) not to exceed \$639,000,000
 6 shall remain available until expended, for repairs and al-
 7 terations which includes associated design and construc-
 8 tion services: *Provided further,* That funds in the Federal
 9 Buildings Fund for Repairs and Alterations shall, for pro-
 10 spectus projects, be limited to the amount by project as
 11 follows, except each project may be increased by an
 12 amount not to exceed 10 per centum unless advance ap-
 13 proval is obtained from the Committees on Appropriations
 14 of the House and Senate of a greater amount:

15 Repairs and Alterations:

16 District of Columbia:

17 Ariel Rios Building, \$62,740,000

18 Justice Department, Phase 1 of 3, \$50,000,000

19 Lafayette Building, \$5,166,000

20 Hawaii:

21 Honolulu, Prince Jonah Kuhio Kalaniana'ole

22 Federal Building and U.S. Courthouse, \$4,140,000

23 Illinois:

24 Chicago, Everett M. Dirksen Federal Building,

25 \$18,844,000

1 Chicago, John C. Kluczynski, Jr. Federal
2 Building (IRS), \$13,414,000

3 Louisiana:

4 New Orleans, Customhouse, \$3,500,000

5 Maryland:

6 Montgomery County, White Oak environmental
7 cleanup activities, \$10,000,000

8 Massachusetts:

9 Andover, IRS Regional Service Center,
10 \$812,000

11 New Hampshire:

12 Concord, J.C. Cleveland Federal Building,
13 \$8,251,000

14 New Jersey:

15 Camden, U.S. Post Office-Courthouse
16 \$11,096,000

17 New York:

18 Albany, James T. Foley Post Office-Court-
19 house, \$3,880,000

20 Brookhaven, IRS Service Center, \$2,272,000

21 New York, Jacob K. Javits Federal Building,
22 \$13,651,000

23 Pennsylvania:

24 Scranton, Federal Building-U.S. Courthouse,
25 \$10,610,000

1 Rhode Island:

2 Providence, Federal Building-U.S. Courthouse,

3 \$8,209,000

4 Texas:

5 Fort Worth, Federal Center, \$11,259,000

6 Nationwide:

7 Chlorofluorocarbons Program, \$23,456,000

8 Elevator Program, \$10,000,000

9 Energy Program, \$20,000,000

10 Security Enhancements, various buildings,

11 \$2,700,000

12 Basic Repairs and Alterations, \$345,000,000:

13 *Provided further*, That additional projects for which

14 prospectuses have been fully approved may be funded

15 under this category only if advance approval is obtained

16 from the Committees on Appropriations of the House and

17 Senate: *Provided further*, That the amounts provided in

18 this or any prior Act for Repairs and Alterations may be

19 used to fund costs associated with implementing security

20 improvements to buildings necessary to meet the minimum

21 standards for security in accordance with current law and

22 in compliance with the reprogramming guidelines of the

23 appropriate Committees of the House and Senate: *Pro-*

24 *vided further*, That funds in the Federal Buildings Fund

25 for Repairs and Alterations shall, for prospectus projects,

1 be limited to the originally authorized amount, except each
2 project may be increased by an amount not to exceed 10
3 percent when advance approval is obtained from the Com-
4 mittees on Appropriations of the House and Senate of a
5 greater amount: *Provided further*, That the difference be-
6 tween the funds appropriated and expended on any
7 projects in this or any prior Act, under the heading “Re-
8 pairs and Alterations”, may be transferred to Basic Re-
9 pairs and Alterations or used to fund authorized increases
10 in prospectus projects: *Provided further*, That from funds
11 made available for Basic Repairs and Alterations,
12 \$8,000,000 shall be made available for renovation of the
13 Agricultural Research Service Laboratory in Ames, Iowa,
14 which is currently occupied by the Animal and Plant
15 Health Inspection Service: *Provided further*, That from
16 funds made available for Basic Repairs and Alterations,
17 \$1,450,000 may be available for the renovation of the Pio-
18 neer Courthouse located at 520 SW Morrison, in Portland,
19 Oregon: *Provided further*, That from funds made available
20 for Basic Repairs and Alterations, \$6,000,000 shall be
21 used for necessary expenses associated with ongoing con-
22 struction of the U.S. Courthouse in Montgomery, Ala-
23 bama: *Provided further*, That from funds made available
24 for Basic Repairs and Alterations, \$100,000 shall be
25 transferred to the National Park Service “Construction”

1 appropriation for restoration and maintenance of the
2 multi-purpose field at Wallenberg Place in Washington,
3 DC: *Provided further*, That all funds for repairs and alter-
4 ations prospectus projects shall expire on September 30,
5 1999, and remain in the Federal Buildings Fund except
6 funds for projects as to which funds for design or other
7 funds have been obligated in whole or in part prior to such
8 date: *Provided further*, That the amount provided in this
9 or any prior Act for Basic Repairs and Alterations may
10 be used to pay claims against the Government arising
11 from any projects under the heading “Repairs and Alter-
12 ations” or used to fund authorized increases in prospectus
13 projects: *Provided further*, That \$5,700,000 of the funds
14 provided under this heading in Public Law 103–329, for
15 the IRS Service Center, Holtsville, New York, shall be
16 available until September 30, 1998; (3) not to exceed
17 \$173,075,000 for installment acquisition payments includ-
18 ing payments on purchase contracts which shall remain
19 available until expended: *Provided further*, That up to
20 \$1,500,000 shall be available for a design prospectus of
21 the Federal Building and U.S. Courthouse located at 811
22 Grand Avenue in Kansas City, Missouri; (4) not to exceed
23 \$2,343,795,000 for rental of space which shall remain
24 available until expended; and (5) not to exceed
25 \$1,552,651,000 for building operations which shall remain

1 available until expended and of which \$8,000,000 shall be
2 transferred to the “Policy and Operations” appropriation:
3 *Provided further*, That funds available to the General Serv-
4 ices Administration shall not be available for expenses in
5 connection with any construction, repair, alteration, and
6 acquisition project for which a prospectus, if required by
7 the Public Buildings Act of 1959, as amended, has not
8 been approved, except that necessary funds may be ex-
9 pended for each project for required expenses in connec-
10 tion with the development of a proposed prospectus: *Pro-*
11 *vided further*, That the Administrator of General Services
12 shall, at the earliest practicable date, initiate discussions
13 with the Smithsonian Institution on the feasibility of
14 transferring Federal Building 10B located at 600 Inde-
15 pendence Avenue, SW., Washington, D.C. to the Smithso-
16 nian Institution at such price and under such terms and
17 conditions as determined appropriate by the Administrator
18 and subject to the prior approval of the appropriate au-
19 thorizing and appropriations committee of the Congress:
20 *Provided further*, That funds provided in this Act under
21 the heading “Security Enhancements, various buildings”
22 may be used, by project in accordance with an approved
23 prospectus: *Provided further*, That the Administrator is
24 authorized in fiscal year 1997 and thereafter, to enter into
25 and perform such leases, contracts, or other transactions

1 with any agency or instrumentality of the United States,
2 the several States, or the District of Columbia, or with
3 any person, firm, association, or corporation, as may be
4 necessary to implement the trade center plan at the Fed-
5 eral Triangle Project and is hereby granted all the rights
6 and authorities of the former Pennsylvania Avenue Devel-
7 opment Corporation (PADC) with regard to property
8 transferred from the PADC to the General Services Ad-
9 ministration in fiscal year 1996: *Provided further*, That
10 notwithstanding any other provision of law, the Adminis-
11 trator of General Services is hereby authorized to use all
12 funds transferred from the PADC or income earned on
13 PADC properties for activities associated with carrying
14 out the responsibilities of the PADC transferred to the
15 Administrator of General Services and that any such in-
16 come earned on or after April 1, 1996, shall be deposited
17 to the Pennsylvania Avenue Activities account and shall
18 remain available until expended: *Provided further*, That
19 any funds or income as may be deemed by the Adminis-
20 trator as excess to the amount needed to fulfill the PADC
21 responsibilities transferred to the Administrator of Gen-
22 eral Services, shall be applied to any outstanding debt,
23 with the exception of debt associated with the Ronald
24 Reagan Building and International Trade Center, in-
25 curred by the PADC in the course of acquiring real estate:

1 *Provided further*, That with respect to real property trans-
2 ferred from the PADC to the General Services Adminis-
3 tration pursuant to section 313 of Public Law 104–134,
4 Title III, General Provisions, the Administrator of General
5 Services is hereafter authorized and directed to make pay-
6 ments required by section 10(b) of the PADC Act of 1972,
7 Public Law 92–578 in the same manner as previously paid
8 by the PADC: *Provided further*, That for the purposes of
9 this authorization, buildings constructed pursuant to the
10 purchase contract authority of the Public Buildings
11 Amendments of 1972 (40 U.S.C. 602a), buildings occu-
12 pied pursuant to installment purchase contracts, and
13 buildings under the control of another department or
14 agency where alterations of such buildings are required
15 in connection with the moving of such other department
16 or agency from buildings then, or thereafter to be, under
17 the control of the General Services Administration shall
18 be considered to be federally owned buildings: *Provided*
19 *further*, That funds available in the Federal Buildings
20 Fund may be expended for emergency repairs when ad-
21 vance approval is obtained from the Committees on Appro-
22 priations of the House and Senate: *Provided further*, That
23 amounts necessary to provide reimbursable special services
24 to other agencies under section 210(f)(6) of the Federal
25 Property and Administrative Services Act of 1949, as

1 amended (40 U.S.C. 490(f)(6)) and amounts to provide
2 such reimbursable fencing, lighting, guard booths, and
3 other facilities on private or other property not in Govern-
4 ment ownership or control as may be appropriate to enable
5 the United States Secret Service to perform its protective
6 functions pursuant to 18 U.S.C. 3056, as amended, shall
7 be available from such revenues and collections: *Provided*
8 *further*, That revenues and collections and any other sums
9 accruing to this Fund during fiscal year 1997, excluding
10 reimbursements under section 210(f)(6) of the Federal
11 Property and Administrative Services Act of 1949 (40
12 U.S.C. 490(f)(6)) in excess of \$5,555,544,000 shall re-
13 main in the Fund and shall not be available for expendi-
14 ture except as authorized in appropriations Acts.

15 POLICY AND OPERATIONS

16 For expenses authorized by law, not otherwise pro-
17 vided for, for Government-wide policy and oversight activi-
18 ties associated with asset management activities; utiliza-
19 tion and donation of surplus personal property; transpor-
20 tation management activities; procurement and supply
21 management activities; Government-wide and internal re-
22 sponsibilities relating to automated data management,
23 telecommunications, information resources management,
24 and related technology activities; utilization survey, deed
25 compliance inspection, appraisal, environmental and cul-
26 tural analysis, and land use planning functions pertaining

1 to excess and surplus real property; agency-wide policy di-
2 rection; Board of Contract Appeals; accounting, records
3 management, and other support services incident to adju-
4 dication of Indian Tribal Claims by the United States
5 Court of Federal Claims; services as authorized by 5
6 U.S.C. 3109; and not to exceed \$5,000 for official recep-
7 tion and representation expenses; \$110,173,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General and services authorized by 5 U.S.C. 3109,
11 \$33,863,000: *Provided*, That not to exceed \$5,000 shall
12 be available for payment for information and detection of
13 fraud against the Government, including payment for re-
14 covery of stolen Government property: *Provided further*,
15 That not to exceed \$2,500 shall be available for awards
16 to employees of other Federal agencies and private citizens
17 in recognition of efforts and initiatives resulting in en-
18 hanced Office of Inspector General effectiveness.

19 ALLOWANCES AND OFFICE STAFF FOR FORMER

20 PRESIDENTS

21 For carrying out the provisions of the Act of August
22 25, 1958, as amended (3 U.S.C. 102 note), and Public
23 Law 95-138, \$2,180,000: *Provided*, That the Adminis-
24 trator of General Services shall transfer to the Secretary

1 of the Treasury such sums as may be necessary to carry
2 out the provisions of such Acts.

3 EXPENSES, PRESIDENTIAL TRANSITION

4 For expenses necessary to carry out the Presidential
5 Transition Act of 1963, as amended (3 U.S.C. 102 note),
6 \$5,600,000.

7 GENERAL PROVISIONS—GENERAL SERVICES

8 ADMINISTRATION

9 SECTION 401. The appropriate appropriation or fund
10 available to the General Services Administration shall be
11 credited with the cost of operation, protection, mainte-
12 nance, upkeep, repair, and improvement, included as part
13 of rentals received from Government corporations pursu-
14 ant to law (40 U.S.C. 129).

15 SEC. 402. Funds available to the General Services
16 Administration shall be available for the hire of passenger
17 motor vehicles.

18 SEC. 403. Funds in the Federal Buildings Fund
19 made available for fiscal year 1997 for Federal Buildings
20 Fund activities may be transferred between such activities
21 only to the extent necessary to meet program require-
22 ments: *Provided*, That any proposed transfers shall be ap-
23 proved in advance by the Committees on Appropriations
24 of the House and Senate.

1 SEC. 404. No funds made available by this Act shall
2 be used to transmit a fiscal year 1998 request for United
3 States Courthouse construction that does not meet the de-
4 sign guide standards for construction as established by the
5 General Services Administration, the Judicial Conference
6 of the United States, and the Office of Management and
7 Budget and does not reflect the priorities of the Judicial
8 Conference of the United States as set out in its approved
9 5-year construction plan: *Provided*, That the request must
10 be accompanied by a standardized courtroom utilization
11 study of each facility to be replaced or expanded.

12 SEC. 405. None of the funds provided in this Act may
13 be used to increase the amount of occupiable square feet,
14 provide cleaning services, security enhancements, or any
15 other service usually provided through the Federal Build-
16 ings Fund, to any agency which does not pay the re-
17 quested rate per square foot assessment for space and
18 services as determined by the General Services Adminis-
19 tration in compliance with the Public Buildings Amend-
20 ments Act of 1972 (Public Law 92-313).

21 SEC. 406. The Administrator of the General Services
22 is directed to ensure that the materials used for the facade
23 on the United States Courthouse Annex, Savannah, Geor-
24 gia project are compatible with the existing Savannah
25 Federal Building-U.S. Courthouse facade, in order to en-

1 sure compatibility of this new facility with the Savannah
2 historic district and to ensure that the Annex will not en-
3 danger the National Landmark status of the Savannah
4 historic district.

5 SEC. 407. (a) Section 210 of the Federal Property
6 and Administrative Services Act of 1949 (40 U.S.C. 490)
7 is amended by adding at the end the following new sub-
8 section:

9 “(1)(1) The Administrator may establish, acquire
10 space for, and equip flexiplace work telecommuting centers
11 (in this subsection referred to as ‘telecommuting centers’)
12 for use by employees of Federal agencies, State and local
13 governments, and the private sector in accordance with
14 this subsection.

15 “(2) The Administrator may make any telecommut-
16 ing center available for use by individuals who are not
17 Federal employees to the extent the center is not being
18 fully utilized by Federal employees. The Administrator
19 shall give Federal employees priority in using the tele-
20 commuting centers.

21 “(3)(A) The Administrator shall charge user fees for
22 the use of any telecommuting center. The amount of the
23 user fee shall approximate commercial charges for com-
24 parable space and services except that in no instance shall
25 such fee be less than that necessary to pay the cost of

1 establishing and operating the center, including the rea-
2 sonable cost of renovation and replacement of furniture,
3 fixtures, and equipment.

4 “(B) Amounts received by the Administrator after
5 September 30, 1993, as user fees for use of any tele-
6 commuting center may be deposited into the Fund estab-
7 lished under subsection (f) of this section and may be used
8 by the Administrator to pay costs incurred in the estab-
9 lishment and operation of the center.

10 “(4) The Administrator may provide guidance, assist-
11 ance, and oversight to any person regarding establishment
12 and operation of alternative workplace arrangements, such
13 as telecommuting, hoteling, virtual offices, and other dis-
14 tributive work arrangements.

15 “(5) In considering whether to acquire any space,
16 quarters, buildings, or other facilities for use by employees
17 of any executive agency, the head of that agency shall con-
18 sider whether the need for the facilities can be met using
19 alternative workplace arrangements referred to in para-
20 graph (4).”.

21 (b) Section 13 of the Public Building Act of 1959,
22 as amended, (107 Stat. 438; 40 U.S.C. 612) is amended—

23 (1) by striking “(xi)” and inserting in lieu
24 thereof “(xii)”; and

1 (2) by striking “and (x)” and inserting in lieu
2 thereof “(x) telecommuting centers and (xi)”.

3 SEC. 408. Notwithstanding any other provision of
4 law, the Administrator of General Services is authorized
5 and directed to acquire the land bounded by S.W. First
6 Avenue, S.W. Second Avenue, S.W. Main Street, and S.W.
7 Madison Street, Portland, Oregon, for the purposes of
8 constructing the proposed Law Enforcement Center on the
9 site.

10 SEC. 409. Section 2815 of Public Law 103–160, re-
11 lating to the conveyance of real property at the Iowa Army
12 Ammunition Plant, is amended—

13 (1) in subsection (a), by striking “may convey
14 to” and inserting “shall convey, without reimburse-
15 ment and if requested by,”; and

16 (2) by striking subsection (b) and inserting the
17 following new subsection:

18 “(b) USE OF WATER AND SEWER LINES.—As part
19 of the conveyance under subsection (a), the Secretary shall
20 permit the City to use existing water and sewer lines and
21 sewage system at the Iowa Army Ammunition Plant for
22 a three-year period beginning on the date of the convey-
23 ance.”.

24 SEC. 410. (a) CONVEYANCE OF LAND.—

1 (1) ADMINISTRATOR OF GENERAL SERVICES.—
2 Subject to subsections (b) and (c), the Administrator
3 of General Services (hereinafter in this section re-
4 ferred to as the “Administrator”) shall convey, with-
5 out compensation, to a nonprofit organization known
6 as the “Beaver County Corporation for Economic
7 Development” all right, title, and interest of the
8 United States in and to those pieces or parcels of
9 land in Hopewell Township, Pennsylvania, described
10 in subsection (b), together with all improvements
11 thereon and appurtenances thereto. The purpose of
12 the conveyance is to provide a site for economic de-
13 velopment in Hopewell Township.

14 (2) PROPERTY DESCRIPTION.—The land re-
15 ferred to in paragraph (1) is the parcel of land in
16 the township of Hopewell, county of Beaver, Penn-
17 sylvania, bounded and described as follows:

18 (A) Beginning at the southwest corner at
19 a point common to Lot No. 1, same plan, lands
20 now or formerly of Frank and Catherine
21 Wutter, and the easterly right-of-way line of
22 Pennsylvania Legislative Route No. 60 (Beaver
23 Valley Expressway); thence proceeding by the
24 easterly right-of-way of Pennsylvania Legisla-

1 tive Route No. 60 by the following three
2 courses and distances:

3 (i) North 17 degrees, 14 minutes, 20
4 seconds West, 213.10 feet to a point.

5 (ii) North 72 degrees, 45 minutes, 40
6 seconds East, 30.00 feet to a point.

7 (iii) North 17 degrees, 14 minutes, 20
8 seconds West, 252.91 feet to a point; on a
9 line dividing Lot No. 1 from the other part
10 of Lot No. 1, said part now called Lot No.
11 5, same plan; thence by last mentioned di-
12 viding line, North 78 degrees, 00 minutes,
13 00 seconds East; 135.58 feet to a point, a
14 cul-de-sac on Industrial Drive; thence by
15 said cul-de-sac and the southerly side of
16 Industrial Drive by the following courses
17 and distances:

18 (I) By a curve to the right hav-
19 ing a radius of 100.00 feet for an arc
20 distance of 243.401 feet to a point.

21 (II) Thence by a curve to the
22 right having a radius of 100.00 feet
23 for an arc distance of 86.321 feet to
24 a point.

1 (III) Thence by 78 degrees, 00
2 minutes, 00 seconds East, 777.78 feet
3 to a point.

4 (IV) Thence, North 12 degrees,
5 00 minutes, 00 seconds West, 74.71
6 feet to a point.

7 (V) Thence by a curve to the
8 right, having a radius of 50.00 feet
9 for an arc distance of 78.54 feet to a
10 point.

11 (VI) Thence North 78 degrees,
12 00 minutes, 00 seconds East, 81.24
13 feet to a point.

14 (VII) Thence by a curve to the
15 right, having a radius of 415.00 feet
16 for an arc distance of 140.64 feet to
17 a point.

18 (VIII) Thence, South 82 degrees,
19 35 minutes, 01 second East, 125.00
20 feet to a point.

21 (IX) Thence, South 7 degrees, 24
22 minutes, 59 seconds West, 5.00 feet
23 to a point.

24 (X) Thence by a curve to the
25 right, having a radius of 320.00 feet

1 for an arc distance of 256.85 feet to
2 a point.

3 (XI) Thence by a curve to the
4 right having a radius of 50.00 feet for
5 an arc distance of 44.18 feet to a
6 point on the northerly side of Airport
7 Road.

8 (B) Thence by the northerly side thereof
9 by the following:

10 (i) South 14 degrees, 01 minutes, 54
11 seconds, West, 56.94 feet to a point.

12 (ii) Thence by a curve to the right
13 having a radius of 225.00 feet for an arc
14 distance of 207.989 feet to a point.

15 (iii) Thence South 66 degrees, 59
16 minutes, 45 seconds West, 192.08 feet to
17 a point on the southern boundary of Lot
18 No. 1, which line is also the line dividing
19 Lot No. 1 from lands now or formerly, of
20 Frank and Catherine Wutter.

21 (C) Thence by the same, South 75 degrees,
22 01 minutes, 00 seconds West, 1,351.23 feet to
23 a point at the place of beginning.

24 (3) DATE OF CONVEYANCE.—The date of the
25 conveyance of property required under paragraph

1 (1) shall be not later than the 90th day following the
2 date of the enactment of this Act.

3 (4) CONVEYANCE TERMS.—

4 (A) TERMS AND CONDITIONS.—The con-
5 veyance of property required under paragraph
6 (1) shall be subject to such terms and condi-
7 tions as may be determined by the Adminis-
8 trator to be necessary to safeguard the interests
9 of the United States. Such terms and condi-
10 tions shall be consistent with the terms and
11 conditions set forth in this section.

12 (B) QUITCLAIM DEED.—The conveyance of
13 property required under paragraph (1) shall be
14 by quitclaim deed.

15 (b) LIMITATION ON CONVEYANCE.—No part of any
16 land conveyed under subsection (a) may be used, during
17 the 30-year period beginning on the date of conveyance
18 for any purpose other than economic development.

19 (c) REVERSIONARY INTEREST.—

20 (1) IN GENERAL.—The property conveyed
21 under subsection (a) shall revert to the United
22 States on any date in the 30-year period beginning
23 on the date of such conveyance on which the prop-
24 erty is used for a purpose other than economic devel-
25 opment.

1 tion Plan Numbered 2 of 1978 and the Civil Service Re-
 2 form Act of 1978, including services as authorized by 5
 3 U.S.C. 3109, rental of conference rooms in the District
 4 of Columbia and elsewhere, hire of passenger motor vehi-
 5 cles, and direct procurement of survey printing,
 6 \$23,923,000, together with not to exceed \$2,430,000 for
 7 administrative expenses to adjudicate retirement appeals
 8 to be transferred from the Civil Service Retirement and
 9 Disability Fund in amounts determined by the Merit Sys-
 10 tems Protection Board.

11 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

12 OPERATING EXPENSES

13 For necessary expenses in connection with the admin-
 14 istration of the National Archives (including the Informa-
 15 tion Security Oversight Office) and records and related ac-
 16 tivities, as provided by law, and for expenses necessary
 17 for the review and declassification of documents, and for
 18 the hire of passenger motor vehicles, \$196,963,000: *Pro-*
 19 *vided*, That the Archivist of the United States is author-
 20 ized to use any excess funds available from the amount
 21 borrowed for construction of the National Archives facil-
 22 ity, for expenses necessary to move into the facility.

23 ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

24 REPAIRS AND RESTORATION

25 For the repair, alteration, and improvement of ar-
 26 chives facilities and presidential libraries, and to provide

1 adequate storage for holdings, \$16,229,000 to remain
2 available until expended.

3 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

4 COMMISSION

5 GRANTS PROGRAM

6 For necessary expenses for allocations and grants for
7 historical publications and records as authorized by 44
8 U.S.C. 2504, as amended, \$5,000,000 to remain available
9 until expended.

10 OFFICE OF GOVERNMENT ETHICS

11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the
13 Office of Government Ethics pursuant to the Ethics in
14 Government Act of 1978, as amended by Public Law 100–
15 598, and the Ethics Reform Act of 1989, Public Law 101–
16 194, including services as authorized by 5 U.S.C. 3109,
17 rental of conference rooms in the District of Columbia and
18 elsewhere, hire of passenger motor vehicles, and not to ex-
19 ceed \$1,500 for official reception and representation ex-
20 penses; \$8,078,000.

21 OFFICE OF PERSONNEL MANAGEMENT

22 SALARIES AND EXPENSES

23 (INCLUDING TRANSFER OF TRUST FUNDS)

24 For necessary expenses to carry out functions of the
25 Office of Personnel Management pursuant to Reorganiza-

1 tion Plan Numbered 2 of 1978 and the Civil Service Re-
2 form Act of 1978, including services as authorized by 5
3 U.S.C. 3109; medical examinations performed for veterans
4 by private physicians on a fee basis; rental of conference
5 rooms in the District of Columbia and elsewhere; hire of
6 passenger motor vehicles; not to exceed \$2,500 for official
7 reception and representation expenses; advances for reim-
8 bursements to applicable funds of the Office of Personnel
9 Management and the Federal Bureau of Investigation for
10 expenses incurred under Executive Order 10422 of Janu-
11 ary 9, 1953, as amended; and payment of per diem and/
12 or subsistence allowances to employees where Voting
13 Rights Act activities require an employee to remain over-
14 night at his or her post of duty; \$87,076,000, of which
15 not to exceed \$1,000,000 shall be available for the estab-
16 lishment of health promotion and disease prevention pro-
17 grams for Federal employees; and in addition \$94,736,000
18 for administrative expenses, to be transferred from the ap-
19 propriate trust funds of the Office of Personnel Manage-
20 ment without regard to other statutes, including direct
21 procurement of printing materials for annuitants, for the
22 retirement and insurance programs, of which \$3,500,000
23 shall be transferred at such times as the Office of Person-
24 nel Management deems appropriate, and shall remain
25 available until expended for the costs of automating the

1 retirement recordkeeping systems, together with remain-
2 ing amounts authorized in previous Acts for the record-
3 keeping systems: *Provided*, That the provisions of this ap-
4 propriation shall not affect the authority to use applicable
5 trust funds as provided by section 8348(a)(1)(B) of title
6 5, United States Code: *Provided further*, That, except as
7 may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no
8 payment may be made from the Employees Health Bene-
9 fits Fund to any physician, hospital, or other provider of
10 health care services or supplies who is, at the time such
11 services or supplies are provided to an individual covered
12 under chapter 89 of title 5, United States Code, excluded,
13 pursuant to section 1128 or 1128A of the Social Security
14 Act (42 U.S.C. 1320a-7-1320a-7a), from participation in
15 any program under title XVIII of the Social Security Act
16 (42 U.S.C. 1395 et seq.): *Provided further*, That no part
17 of this appropriation shall be available for salaries and ex-
18 penses of the Legal Examining Unit of the Office of Per-
19 sonnel Management established pursuant to Executive
20 Order 9358 of July 1, 1943, or any successor unit of like
21 purpose: *Provided further*, That the President's Commis-
22 sion on White House Fellows, established by Executive
23 Order 11183 of October 3, 1964, may, during the fiscal
24 year ending September 30, 1997, accept donations of
25 money, property, and personal services in connection with

1 “(ii) if necessary, the head of the employ-
2 ing agency shall approve advance payment, re-
3 coverable in the same manner as under section
4 5524a(c), of a portion of basic pay sufficient to
5 pay current employee contributions.

6 “(C) Each agency shall establish procedures for
7 accepting direct payments of employee contributions
8 for the purposes of this paragraph.”.

9 OFFICE OF INSPECTOR GENERAL
10 SALARIES AND EXPENSES
11 (INCLUDING TRANSFER OF TRUST FUNDS)

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act, as amended, including services as authorized
15 by 5 U.S.C. 3109, hire of passenger motor vehicles,
16 \$960,000; and in addition, not to exceed \$8,645,000 for
17 administrative expenses to audit the Office of Personnel
18 Management’s retirement and insurance programs, to be
19 transferred from the appropriate trust funds of the Office
20 of Personnel Management, as determined by the Inspector
21 General: *Provided*, That the Inspector General is author-
22 ized to rent conference rooms in the District of Columbia
23 and elsewhere.

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES
2 HEALTH BENEFITS

3 For payment of Government contributions with re-
4 spect to retired employees, as authorized by chapter 89
5 of title 5, United States Code, and the Retired Federal
6 Employees Health Benefits Act (74 Stat. 849), as amend-
7 ed, such sums as may be necessary.

8 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
9 LIFE INSURANCE

10 For payment of Government contributions with re-
11 spect to employees retiring after December 31, 1989, as
12 required by chapter 87 of title 5, United States Code, such
13 sums as may be necessary.

14 PAYMENT TO CIVIL SERVICE RETIREMENT AND
15 DISABILITY FUND

16 For financing the unfunded liability of new and in-
17 creased annuity benefits becoming effective on or after Oc-
18 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
19 nuities under special Acts to be credited to the Civil Serv-
20 ice Retirement and Disability Fund, such sums as may
21 be necessary: *Provided*, That annuities authorized by the
22 Act of May 29, 1944, as amended, and the Act of August
23 19, 1950, as amended (33 U.S.C. 771–75), may hereafter
24 be paid out of the Civil Service Retirement and Disability
25 Fund.

1 OFFICE OF SPECIAL COUNSEL
2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Office of Special Counsel pursuant to Reorganization Plan
5 Numbered 2 of 1978, the Civil Service Reform Act of
6 1978 (Public Law 95–454), the Whistleblower Protection
7 Act of 1989 (Public Law 101–12), Public Law 103–424,
8 and the Uniformed Services Employment and Reemploy-
9 ment Act of 1994 (Public Law 103–353), including serv-
10 ices as authorized by 5 U.S.C. 3109, payment of fees and
11 expenses for witnesses, rental of conference rooms in the
12 District of Columbia and elsewhere, and hire of passenger
13 motor vehicles; \$8,116,000.

14 UNITED STATES TAX COURT
15 SALARIES AND EXPENSES

16 For necessary expenses, including contract reporting
17 and other services as authorized by 5 U.S.C. 3109,
18 \$33,781,000: *Provided*, That travel expenses of the judges
19 shall be paid upon the written certificate of the judge.

20 This title may be cited as the “Independent Agencies
21 Appropriations Act, 1997”.

22 TITLE V—GENERAL PROVISIONS
23 THIS ACT

24 SECTION 501. No part of any appropriation con-
25 tained in this Act shall remain available for obligation be-

1 yond the current fiscal year unless expressly so provided
2 herein.

3 SEC. 502. The expenditure of any appropriation
4 under this Act for any consulting service through procure-
5 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
6 to those contracts where such expenditures are a matter
7 of public record and available for public inspection, except
8 where otherwise provided under existing law, or under ex-
9 isting Executive order issued pursuant to existing law.

10 Sec. 503. Section 5131 of title 31, United States
11 Code, is amended—

12 (1) by striking subsection (c); and

13 (2) by redesignating subsection (d) as sub-
14 section (c).

15 SEC. 504. None of the funds made available by this
16 Act shall be available for any activity or for paying the
17 salary of any Government employee where funding an ac-
18 tivity or paying a salary to a Government employee would
19 result in a decision, determination, rule, regulation, or pol-
20 icy that would prohibit the enforcement of section 307 of
21 the Tariff Act of 1930.

22 SEC. 505. None of the funds made available by this
23 Act shall be available for the purpose of transferring con-
24 trol over the Federal Law Enforcement Training Center

1 located at Glynco, Georgia, and Artesia, New Mexico, out
2 of the Treasury Department.

3 SEC. 506. No part of any appropriation contained in
4 this Act shall be used for publicity or propaganda purposes
5 within the United States not heretofore authorized by the
6 Congress.

7 SEC. 507. No part of any appropriation contained in
8 this Act shall be available for the payment of the salary
9 of any officer or employee of the United States Postal
10 Service, who—

11 (1) prohibits or prevents, or attempts or threat-
12 ens to prohibit or prevent, any officer or employee
13 of the United States Postal Service from having any
14 direct oral or written communication or contact with
15 any Member or committee of Congress in connection
16 with any matter pertaining to the employment of
17 such officer or employee or pertaining to the United
18 States Postal Service in any way, irrespective of
19 whether such communication or contact is at the ini-
20 tiative of such officer or employee or in response to
21 the request or inquiry of such Member or committee;
22 or

23 (2) removes, suspends from duty without pay,
24 demotes, reduces in rank, seniority, status, pay, or
25 performance of efficiency rating, denies promotion

1 to, relocates, reassigns, transfers, disciplines, or dis-
2 criminates in regard to any employment right, enti-
3 tlement, or benefit, or any term or condition of em-
4 ployment of, any officer or employee of the United
5 States Postal Service, or attempts or threatens to
6 commit any of the foregoing actions with respect to
7 such officer or employee, by reason of any commu-
8 nication or contact of such officer or employee with
9 any Member or committee of Congress as described
10 in paragraph (1).

11 SEC. 508. The Office of Personnel Management may,
12 during the fiscal year ending September 30, 1997, accept
13 donations of supplies, services, land, and equipment for
14 the Federal Executive Institute and Management Develop-
15 ment Centers to assist in enhancing the quality of Federal
16 management.

17 SEC. 509. The United States Secret Service may,
18 during the fiscal year ending September 30, 1997, and
19 hereafter, accept donations of money to off-set costs in-
20 curred while protecting former Presidents and spouses of
21 former Presidents when the former President or spouse
22 travels for the purpose of making an appearance or speech
23 for a payment of money or any thing of value.

24 SEC. 510. No part of any appropriation contained in
25 this Act shall be available to pay the salary for any person

1 filling a position, other than a temporary position, for-
2 merly held by an employee who has left to enter the Armed
3 Forces of the United States and has satisfactorily com-
4 pleted his period of active military or naval service and
5 has within 90 days after his release from such service or
6 from hospitalization continuing after discharge for a pe-
7 riod of not more than 1 year made application for restora-
8 tion to his former position and has been certified by the
9 Office of Personnel Management as still qualified to per-
10 form the duties of his former position and has not been
11 restored thereto.

12 SEC. 511. None of the funds made available in this
13 Act may be used to provide any non-public information
14 such as mailing or telephone lists to any person or any
15 organization outside of the Federal Government without
16 the approval of the House and Senate Committees on Ap-
17 propriations.

18 SEC. 512. No funds appropriated pursuant to this
19 Act may be expended by an entity unless the entity agrees
20 that in expending the assistance the entity will comply
21 with sections 2 through 4 of the Act of March 3, 1933
22 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
23 ican Act”).

24 SEC. 513. (a) PURCHASE OF AMERICAN-MADE
25 EQUIPMENT AND PRODUCTS.—In the case of any equip-

1 ment or products that may be authorized to be purchased
2 with financial assistance provided under this Act, it is the
3 sense of the Congress that entities receiving such assist-
4 ance should, in expending the assistance, purchase only
5 American-made equipment and products.

6 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
7 providing financial assistance under this Act, the Sec-
8 retary of the Treasury shall provide to each recipient of
9 the assistance a notice describing the statement made in
10 subsection (a) by the Congress.

11 SEC. 514. If it has been finally determined by a court
12 or Federal agency that any person intentionally affixed a
13 label bearing a “Made in America” inscription, or any in-
14 scription with the same meaning, to any product sold in
15 or shipped to the United States that is not made in the
16 United States, such person shall be ineligible to receive
17 any contract or subcontract made with funds provided
18 pursuant to this Act, pursuant to the debarment, suspen-
19 sion, and ineligibility procedures described in section
20 9.400 through 9.409 of title 48, Code of Federal Regula-
21 tions.

22 SEC. 515. Except as otherwise specifically provided
23 by law, not to exceed 50 percent of unobligated balances
24 remaining available at the end of fiscal year 1997 from
25 appropriations made available for salaries and expenses

1 for fiscal year 1997 in this Act, shall remain available
2 through September 30, 1998, for each such account for
3 the purposes authorized: *Provided*, That a request shall
4 be submitted to the House and Senate Committees on Ap-
5 propriations for approval prior to the expenditure of such
6 funds.

7 SEC. 516. Where appropriations in this Act are ex-
8 pendable for travel expenses of employees and no specific
9 limitation has been placed thereon, the expenditures for
10 such travel expenses may not exceed the amount set forth
11 in the budget estimates submitted for appropriations with-
12 out the advance approval of the House and Senate Com-
13 mittees on Appropriations: *Provided*, That this section
14 shall not apply to travel performed by uncompensated offi-
15 cials of local boards and appeal boards in the Selective
16 Service System; to travel performed directly in connection
17 with care and treatment of medical beneficiaries of the De-
18 partment of Veterans Affairs; to travel of the Office of
19 Personnel Management in carrying out its observation re-
20 sponsibilities of the Voting Rights Act; or to payments to
21 interagency motor pools separately set forth in the budget
22 schedules: *Provided further*, That this provision does not
23 apply to accounts that do not contain an object identifica-
24 tion for travel.

1 SEC. 517. Notwithstanding any other provision of law
2 or regulation during the fiscal year ending September 30,
3 1997, and thereafter:

4 (1) The authority of the special police officers
5 of the Bureau of Engraving and Printing, in the
6 Washington, DC Metropolitan area, extends to
7 buildings and land under the custody and control of
8 the Bureau; to buildings and land acquired by or for
9 the Bureau through lease, unless otherwise provided
10 by the acquisition agency; to the streets, sidewalks
11 and open areas immediately adjacent to the Bureau
12 along Wallenberg Place (15th Street) and 14th
13 Street between Independence and Maine Avenues
14 and C and D Streets between 12th and 14th
15 Streets; to areas which include surrounding parking
16 facilities used by Bureau employees, including the
17 lots at 12th and C Streets, SW, Maine Avenue and
18 Water Streets, SW, Maiden Lane, the Tidal Basin
19 and East Potomac Park; to the protection in transit
20 of United States securities, plates and dies used in
21 the production of United States securities, or other
22 products or implements of the Bureau of Engraving
23 and Printing which the Director of that agency so
24 designates.

1 (2) The authority of the special police officers
2 of the United States Mint extends to the buildings
3 and land under the custody and control of the Mint;
4 to the streets, sidewalks and open areas in the vicin-
5 ity to such facilities; to surrounding parking facili-
6 ties used by Mint employees; and to the protection
7 in transit of bullion, coins, dies, and other property
8 and assets of, or in the custody of, the Mint.

9 (3) The exercise of police authority by Bureau
10 or Mint officers, with the exception of the exercise
11 of authority upon property under the custody and
12 control of the Bureau or the Mint, respectively, shall
13 be deemed supplementary to the Federal police force
14 with primary jurisdictional responsibility. This au-
15 thority shall be in addition to any other law enforce-
16 ment authority which has been provided to these of-
17 ficers under other provisions of law or regulations.

18 SEC. 518. No funds appropriated by this Act shall
19 be available to pay for an abortion, or the administrative
20 expenses in connection with any health plan under the
21 Federal employees health benefit program which provides
22 any benefits or coverage for abortions.

23 SEC. 519. The provision of section 518 shall not
24 apply where the life of the mother would be endangered

1 if the fetus were carried to term, or the pregnancy is the
2 result of an act of rape or incest.

3 SEC. 520. No part of any appropriation made avail-
4 able in this Act shall be used to implement Bureau of Al-
5 cohol, Tobacco and Firearms Ruling TD ATF-360; Re:
6 Notice Nos. 782, 780, 91F009P.

7 SEC. 521. Notwithstanding title 5, United States
8 Code, Personal Service Contractors (PSC) employed by
9 the Department of the Treasury shall be considered as
10 Federal Government employees for purposes of making
11 available Federal employee health and life insurance.

12 SEC. 523. Section 5112(i)(4) of title 31, United
13 States Code, is amended by adding at the end the follow-
14 ing new subparagraph:

15 “(C) The Secretary may continue to mint and issue
16 coins in accordance with the specifications contained in
17 paragraphs (7), (8), (9), and (10) of subsection (a) and
18 paragraph (1)(A) of this subsection at the same time the
19 Secretary in minting and issuing other bullion and proof
20 gold coins under this subsection in accordance with such
21 program procedures and coin specifications, designs, vari-
22 eties, quantities, denominations, and inscriptions as the
23 Secretary, in the Secretary’s discretion, may prescribe
24 from time to time.”: *Provided*, That profits generated
25 from the sale of gold to the United States Mint for this

1 program shall be considered as a receipt to be deposited
2 into the General Fund of the Treasury.

3 SEC. 524. Section 5112 of title 31, United States
4 Code, is amended by adding at the end the following new
5 subsection:

6 “(k) The Secretary may mint and issue bullion and
7 proof platinum coins in accordance with such specifica-
8 tions, designs, varieties, quantities, denominations, and in-
9 scriptions as the Secretary, in the Secretary’s discretion,
10 may prescribe from time to time: *Provided*, That the Sec-
11 retary is authorized to use Government platinum reserves
12 stockpiled at the United States Mint as working inventory
13 and shall ensure that reserves utilized are replaced by the
14 Mint.”.

15 SEC. 525. VOLUNTARY SEPARATION INCENTIVE PAY-
16 MENTS.—(a) DEFINITIONS.—For the purposes of this sec-
17 tion—

18 (1) the term “agency” means the Internal Rev-
19 enue Service, the Bureau of Alcohol, Tobacco and
20 Firearms, the United States Customs Service, the
21 General Services Administration, the Merit Systems
22 Protection Board and the Bureau of Engraving and
23 Printing;

24 (2) the term “employee” means an employee
25 (as defined by section 2105 of title 5, United States

1 Code) who is employed by an agency, is serving
2 under an appointment without time limitation, and
3 has been currently employed for a continuous period
4 of at least 12 months, but does not include—

5 (A) an employee who, upon separation and
6 application, would be eligible for an immediate
7 annuity under subchapter III of chapter 83 or
8 chapter 84 of title 5, United States Code (or
9 another retirement system for employees of the
10 agency), other than an annuity subject to a re-
11 duction under section 8339(h) or 8415(f) of
12 such title (or corresponding provisions of an-
13 other retirement system for employees of the
14 agency);

15 (B) a reemployed annuitant under the ap-
16 plicable retirement system referred to in sub-
17 paragraph (A);

18 (C) an employee having a disability on the
19 basis of which such employee is or would be eli-
20 gible for disability retirement under the applica-
21 ble retirement system referred to in subpara-
22 graph (A);

23 (D) an employee who is in receipt of a spe-
24 cific notice of involuntary separation for mis-
25 conduct or unacceptable performance;

1 (E) an employee who, upon completing an
2 additional period of service, as referred to in
3 subsection (b)(2)(B)(ii) of section 3 of the Fed-
4 eral Workforce Restructuring Act of 1994 (5
5 U.S.C. 5597 note), would qualify for a vol-
6 untary separation incentive payment under such
7 section;

8 (F) an employee who has previously re-
9 ceived any voluntary separation incentive pay-
10 ment from the Government of the United
11 States under this section or any other authority
12 and has not repaid such payment;

13 (G) an employee covered by statutory re-
14 employment rights who is on transfer to an-
15 other organization; or

16 (H) any employee who—(i) during the
17 twenty four month period preceding the date of
18 separation, has received a recruitment or relo-
19 cation bonus under section 5753 of title 5,
20 United States Code or; (ii) during the twelve
21 month period preceding the date of separation,
22 has received a retention allowance under section
23 5754 of title 5, United States Code.

24 (b) AGENCY STRATEGIC PLAN.—

1 (1) IN GENERAL.—Before obligating any re-
2 sources for voluntary separation incentive payments
3 under this section, the head of the agency concerned
4 shall submit to the House and Senate Committees
5 on Appropriations and the Committee on Govern-
6 mental Affairs of the Senate and the Committee on
7 Government Reform and Oversight of the House of
8 Representatives a strategic plan outlining the in-
9 tended use of such incentive payments and a pro-
10 posed organizational chart for the agency once such
11 incentive payments have been completed.

12 (2) CONTENTS.—The agency’s plan shall in-
13 clude—

14 (A) the positions and functions to be re-
15 duced or eliminated, identified by organizational
16 unit, geographic location, occupational category
17 and grade level;

18 (B) the number and amounts of voluntary
19 separation incentive payments to be offered;
20 and

21 (C) a description of how the agency will
22 operate without the positions and functions to
23 be reduced or eliminated.

24 (c) AUTHORITY TO PROVIDE VOLUNTARY SEPARA-
25 TION INCENTIVE PAYMENTS.—

1 (1) IN GENERAL.—A voluntary separation in-
2 centive payment under this section may be paid by
3 an agency to employees only to the extent necessary
4 to eliminate the positions and functions identified by
5 the strategic plan.

6 (2) AMOUNT AND TREATMENT OF PAYMENTS.—
7 A voluntary separation incentive payment under this
8 section—

9 (A) shall be paid in a lump sum after the
10 employee’s separation;

11 (B) shall be paid from appropriations or
12 funds available for the payment of the basic pay
13 of the employees;

14 (C) shall be equal to the amount deter-
15 mined by the agency head, except that such
16 amount may not exceed the lesser of—

17 (i) the amount the employee would be
18 entitled to receive under subsection (c) of
19 section 5595 of title 5, United States
20 Code, if the employee were entitled to sev-
21 erance pay under such section; or

22 (ii) \$25,000;

23 (D) may not be made except in the case of
24 any employee who voluntarily separates (wheth-

1 er by retirement or resignation) on or before
2 September 30, 1997;

3 (E) shall not be a basis for payment, and
4 shall not be included in the computation, of any
5 other type of Government benefit; and

6 (F) shall not be taken into account in de-
7 termining the amount of any severance pay to
8 which the employee may be entitled under sec-
9 tion 5595 of title 5, United States Code, based
10 on any other separation.

11 (d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE
12 RETIREMENT FUND.—

13 (1) IN GENERAL.—In addition to any other
14 payments which it is required to make under sub-
15 chapter III of chapter 83 or chapter 84 of title 5,
16 United States Code, an agency shall remit to the Of-
17 fice of Personnel Management for deposit in the
18 Treasury of the United States to the credit of the
19 Civil Service Retirement and Disability Fund an
20 amount equal to 15 percent of the final basic pay of
21 each employee of the agency who is covered under
22 subchapter III of chapter 83 or chapter 84 of title
23 5, United States Code, to whom a voluntary separa-
24 tion incentive payment has been paid under this sec-
25 tion.

1 (2) DEFINITION.—For the purpose of para-
2 graph (1), the term “final basic pay”, with respect
3 to an employee, means the total amount of basic pay
4 which would be payable for a year of service by such
5 employee, computed using the employee’s final rate
6 of basic pay, and, if last serving on other than a
7 full-time basis, with appropriate adjustment there-
8 for.

9 (e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
10 THE GOVERNMENT.—An individual who has received a
11 voluntary separation incentive payment under this section
12 and accepts any employment for compensation with the
13 Government of the United States, or who works for any
14 agency of the United States Government through a per-
15 sonal services contract, within 5 years after the date of
16 the separation on which the payment is based shall be re-
17 quired to repay to the agency that paid the incentive pay-
18 ment, before such individual commences such employment
19 or work, the entire amount of the incentive payment.

20 (f) REDUCTION OF AGENCY EMPLOYMENT LEV-
21 ELS.—

22 (1) IN GENERAL.—The total number of funded
23 employee positions in the agency shall be reduced by
24 one full-time position (or the equivalent) for each va-
25 cancy created by the separation of any employee who

1 has received, or is due to receive, a voluntary separa-
2 tion incentive payment under this section.

3 (2) ENFORCEMENT.—The President, through
4 the Office of Management and Budget, shall monitor
5 compliance with this subsection and shall take any
6 action necessary to ensure that the requirements of
7 this subsection are met.

8 (g) EFFECTIVE DATE.—This section shall take effect
9 October 1, 1996.

10 SEC. 526. (a) REIMBURSEMENT OF CERTAIN ATTOR-
11 NEY FEES AND COSTS.—

12 (1) IN GENERAL.—The Secretary of the Treas-
13 ury shall pay from amounts appropriated in title I
14 of this Act under the heading, “Departmental Of-
15 fices, Salaries and Expenses”, up to \$500,000 to re-
16 imburse former employees of the White House Trav-
17 el Office whose employment in that Office was ter-
18 minated on May 19, 1993, for any attorney fees and
19 costs they incurred with respect to that termination.

20 (2) VERIFICATION REQUIRED.—The Secretary
21 shall pay an individual in full under paragraph (1)
22 upon submission by the individual of documentation
23 verifying the attorney fees and costs.

1 (3) NO INFERENCE OF LIABILITY.—Liability of
2 the United States shall not be inferred from enact-
3 ment of or payment under this subsection.

4 (b) LIMITATION ON FILING OF CLAIMS.—The Sec-
5 retary of the Treasury shall not pay any claim filed under
6 this section that is filed later than 120 days after the date
7 of the enactment of this Act.

8 (c) LIMITATION.—Payments under subsection (a)
9 shall not include attorney fees or costs incurred with re-
10 spect to any Congressional hearing or investigation into
11 the termination of employment of the former employees
12 of the White House Travel Office.

13 (d) REDUCTION.—The amount paid pursuant to this
14 section to an individual for attorney fees and costs de-
15 scribed in subsection (a) shall be reduced by any amount
16 received before the date of the enactment of this Act, with-
17 out obligation for repayment by the individual, for pay-
18 ment of such attorney fees and costs (including any
19 amount received from the funds appropriated for the indi-
20 vidual in the matter relating to the “Office of the General
21 Counsel” under the heading “Office of the Secretary” in
22 title I of the Department of Transportation and Related
23 Agencies Appropriations Act, 1994).

24 (e) PAYMENT IN FULL SETTLEMENT OF CLAIMS
25 AGAINST THE UNITED STATES.—Payment under this sec-

1 tion, when accepted by an individual described in sub-
2 section (a), shall be in full satisfaction of all claims of,
3 or on behalf of, the individual against the United States
4 that arose out of the termination of the White House
5 Travel Office employment of that individual on May 19,
6 1993.

7 SEC. 527. None of the funds made available in this
8 Act may be used by the Executive Office of the President
9 to request from the Federal Bureau of Investigation any
10 official background investigation report on any individual,
11 except when it is made known to the Federal official hav-
12 ing authority to obligate or expend such funds that—

13 (1) such individual has given his or her express
14 written consent for such request not more than 6
15 months prior to the date of such request and during
16 the same presidential administration; or

17 (2) such request is required due to extraor-
18 dinary circumstances involving national security.

19 SEC. 528. (a) CLOSING OF ALLEY.—The alley bisect-
20 ing the property on which a facility is being constructed
21 for use by the United States Government at 930 H Street,
22 N.W., Washington, District of Columbia, is closed to the
23 public, without regard to any contingencies.

24 (b) JURISDICTION.—The Administrator of General
25 Services shall have administrative jurisdiction over, and

1 shall hold title on behalf of the United States in, the alley,
2 property, and facility referred to in subsection (a).

3 SEC. 529. (a) COMMEMORATIVE COIN PROGRAM RE-
4 STRICTIONS.—Section 5112 of title 31, United States
5 Code, as amended by sections 524 and 530 of this Act,
6 is amended by adding at the end the following new sub-
7 section:

8 “(m) COMMEMORATIVE COIN PROGRAM RESTRIC-
9 TIONS.—

10 “(1) MAXIMUM NUMBER.—Beginning January
11 1, 1999, the Secretary may mint and issue com-
12 memorative coins under this section during any cal-
13 endar year with respect to not more than 2 com-
14 memorative coin programs.

15 “(2) MINTAGE LEVELS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), in carrying out any com-
18 memorative coin program, the Secretary shall
19 mint—

20 “(i) not more than 750,000 clad half-
21 dollar coins;

22 “(ii) not more than 500,000 silver
23 one-dollar coins; and

24 “(iii) not more than 100,000 gold
25 five-dollar or ten-dollar coins.

1 “(B) EXCEPTION.—If the Secretary deter-
2 mines, based on independent, market-based re-
3 search conducted by a designated recipient or-
4 ganization of a commemorative coin program,
5 that the mintage levels described in subpara-
6 graph (A) are not adequate to meet public de-
7 mand for that commemorative coin, the Sec-
8 retary may waive one or more of the require-
9 ments of subparagraph (A) with respect to that
10 commemorative coin program.

11 “(C) DESIGNATED RECIPIENT ORGANIZA-
12 TION DEFINED.—For purposes of this para-
13 graph, the term ‘designated recipient organiza-
14 tion’ means any organization designated, under
15 any provision of law, as the recipient of any
16 surcharge imposed on the sale of any numis-
17 matic item.”.

18 (b) RECOVERY OF MINT EXPENSES REQUIRED BE-
19 FORE PAYMENT OF SURCHARGES TO ANY RECIPIENT OR-
20 GANIZATION.—

21 (1) CLARIFICATION OF LAW RELATING TO DE-
22 POSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC
23 ENTERPRISE FUND.—Section 5134(c)(2) of title 31,
24 United States Code, is amended by inserting “, in-
25 cluding amounts attributable to any surcharge im-

1 posed with respect to the sale of any numismatic
2 item” before the period.

3 (2) CONDITIONS ON PAYMENT OF SURCHARGES
4 TO RECIPIENT ORGANIZATIONS.—Section 5134 of
5 title 31, United States Code, is amended by adding
6 at the end the following new subsection:

7 “(f) CONDITIONS ON PAYMENT OF SURCHARGES TO
8 RECIPIENT ORGANIZATIONS.—

9 “(1) PAYMENT OF SURCHARGES.—Notwith-
10 standing any other provision of law, no amount de-
11 rived from the proceeds of any surcharge imposed on
12 the sale of any numismatic item shall be paid from
13 the fund to any designated recipient organization
14 unless—

15 “(A) all numismatic operation and pro-
16 gram costs allocable to the program under
17 which such numismatic item is produced and
18 sold have been recovered; and

19 “(B) the designated recipient organization
20 submits an audited financial statement that
21 demonstrates to the satisfaction of the Sec-
22 retary of the Treasury that, with respect to all
23 projects or purposes for which the proceeds of
24 such surcharge may be used, the organization
25 has raised funds from private sources for such

1 projects and purposes in an amount that is
2 equal to or greater than the maximum amount
3 the organization may receive from the proceeds
4 of such surcharge.

5 “(2) ANNUAL AUDITS.—

6 “(A) ANNUAL AUDITS OF RECIPIENTS RE-
7 QUIRED.—Each designated recipient organiza-
8 tion that receives any payment from the fund of
9 any amount derived from the proceeds of any
10 surcharge imposed on the sale of any numis-
11 matic item shall provide, as a condition for re-
12 ceiving any such amount, for an annual audit,
13 in accordance with generally accepted govern-
14 ment auditing standards by an independent
15 public accountant selected by the organization,
16 of all such payments to the organization begin-
17 ning in the first fiscal year of the organization
18 in which any such amount is received and con-
19 tinuing until all amounts received by such orga-
20 nization from the fund with respect to such sur-
21 charges are fully expended or placed in trust.

22 “(B) MINIMUM REQUIREMENTS FOR AN-
23 NUAL AUDITS.—At a minimum, each audit of a
24 designated recipient organization pursuant to
25 subparagraph (A) shall report—

1 “(i) the amount of payments received
2 by the designated recipient organization
3 from the fund during the fiscal year of the
4 organization for which the audit is con-
5 ducted that are derived from the proceeds
6 of any surcharge imposed on the sale of
7 any numismatic item;

8 “(ii) the amount expended by the des-
9 ignated recipient organization from the
10 proceeds of such surcharges during the fis-
11 cal year of the organization for which the
12 audit is conducted; and

13 “(iii) whether all expenditures by the
14 designated recipient organization during
15 the fiscal year of the organization for
16 which the audit is conducted from the pro-
17 ceeds of such surcharges were for author-
18 ized purposes.

19 “(C) RESPONSIBILITY OF ORGANIZATION
20 TO ACCOUNT FOR EXPENDITURES OF SUR-
21 CHARGES.—Each designated recipient organiza-
22 tion that receives any payment from the fund of
23 any amount derived from the proceeds of any
24 surcharge imposed on the sale of any numis-
25 matic item shall take appropriate steps, as a

1 condition for receiving any such payment, to en-
2 sure that the receipt of the payment and the ex-
3 penditure of the proceeds of such surcharge by
4 the organization in each fiscal year of the orga-
5 nization can be accounted for separately from
6 all other revenues and expenditures of the orga-
7 nization.

8 “(D) SUBMISSION OF AUDIT REPORT.—

9 Not later than 90 days after the end of any fis-
10 cal year of a designated recipient organization
11 for which an audit is required under subpara-
12 graph (A), the organization shall—

13 “(i) submit a copy of the report to the

14 Secretary of the Treasury; and

15 “(ii) make a copy of the report avail-

16 able to the public.

17 “(E) USE OF SURCHARGES FOR AUDITS.—

18 Any designated recipient organization that re-
19 ceives any payment from the fund of any
20 amount derived from the proceeds of any sur-
21 charge imposed on the sale of any numismatic
22 item may use the amount received to pay the
23 cost of an audit required under subparagraph
24 (A).

1 “(F) WAIVER OF PARAGRAPH.—The Sec-
2 retary of the Treasury may waive the applica-
3 tion of any subparagraph of this paragraph to
4 any designated recipient organization for any
5 fiscal year after taking into account the amount
6 of surcharges that such organization received or
7 expended during such year.

8 “(G) NONAPPLICABILITY TO FEDERAL EN-
9 TITIES.—This paragraph shall not apply to any
10 Federal agency or department or any independ-
11 ent establishment in the executive branch that
12 receives any payment from the fund of any
13 amount derived from the proceeds of any sur-
14 charge imposed on the sale of any numismatic
15 item.

16 “(H) AVAILABILITY OF BOOKS AND
17 RECORDS.—An organization that receives any
18 payment from the fund of any amount derived
19 from the proceeds of any surcharge imposed on
20 the sale of any numismatic item shall provide,
21 as a condition for receiving any such payment,
22 to the Inspector General of the Department of
23 the Treasury or the Comptroller General of the
24 United States, upon the request of such Inspec-
25 tor General or the Comptroller General, all

1 books, records, and work papers belonging to or
2 used by the organization, or by any independent
3 public accountant who audited the organization
4 in accordance with subparagraph (A), which
5 may relate to the receipt or expenditure of any
6 such amount by the organization.

7 “(3) USE OF AGENTS OR ATTORNEYS TO IN-
8 FLUENCE COMMEMORATIVE COIN LEGISLATION.—No
9 portion of any payment from the fund to any des-
10 ignated recipient organization of any amount derived
11 from the proceeds of any surcharge imposed on the
12 sale of any numismatic item may be used, directly
13 or indirectly, by the organization to compensate any
14 agent or attorney for services rendered to support or
15 influence in any way legislative action of the Con-
16 gress relating to such numismatic item.

17 “(4) DESIGNATED RECIPIENT ORGANIZATION
18 DEFINED.—For purposes of this subsection, the
19 term ‘designated recipient organization’ means any
20 organization designated, under any provision of law,
21 as the recipient of any surcharge imposed on the
22 sale of any numismatic item.”.

23 (3) SCOPE OF APPLICATION.—The amendments
24 made by this section shall apply with respect to the
25 proceeds of any surcharge imposed on the sale of

1 any numismatic item that are deposited in the Nu-
 2 mismatic Public Enterprise Fund after the date of
 3 the enactment of this Act.

4 (4) REPEAL OF EXISTING RECIPIENT REPORT
 5 REQUIREMENT.—Section 303 of Public Law 103–
 6 186 (31 U.S.C. 5112 note) is repealed.

7 (c) QUARTERLY FINANCIAL REPORTS.—Section
 8 5134 of title 31, United States Code, is amended by add-
 9 ing at the end the following new subsection:

10 “(g) QUARTERLY FINANCIAL REPORTS.—

11 “(1) IN GENERAL.—Not later than the 30th
 12 day of each month following each calendar quarter
 13 through and including the final period of sales with
 14 respect to any commemorative coin program author-
 15 ized on or after the date of enactment of the Treas-
 16 ury, Postal Service, and General Government Appro-
 17 priations Act, 1997, the Mint shall submit to the
 18 Congress a quarterly financial report in accordance
 19 with this subsection.

20 “(2) REQUIREMENTS.—Each report submitted
 21 under paragraph (1) shall include, with respect to
 22 the calendar quarter at issue—

23 “(A) a detailed financial statement, pre-
 24 pared in accordance with generally accepted ac-
 25 counting principles, that includes financial in-

1 formation specific to that quarter, as well as cu-
2 mulative financial information relating to the
3 entire program;

4 “(B) a detailed accounting of—

5 “(i) all costs relating to marketing ef-
6 forts;

7 “(ii) all funds projected for marketing
8 use;

9 “(iii) all costs for employee travel re-
10 lating to the promotion of commemorative
11 coin programs;

12 “(iv) all numismatic items minted,
13 sold, not sold, and rejected during the pro-
14 duction process; and

15 “(v) the costs of melting down all re-
16 jected and unsold products;

17 “(C) adequate market-based research for
18 all commemorative coin programs; and

19 “(D) a description of the efforts of the
20 Mint in keeping the sale price of numismatic
21 items as low as practicable.”.

22 (d) CITIZENS COMMEMORATIVE COIN ADVISORY
23 COMMITTEE.—

1 (1) FIXED TERMS FOR MEMBERS.—Section
2 5135(a)(4) of title 31, United States Code, is
3 amended to read as follows:

4 “(4) TERMS.—Each member appointed under
5 clause (i) or (iii) of paragraph (3)(A) shall be ap-
6 pointed for a term of 4 years.”.

7 (2) CHAIRPERSON.—Section 5135(a) of title
8 31, United States Code, is amended by adding at
9 the end the following new paragraph:

10 “(7) CHAIRPERSON.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the Chairperson of the Advisory
13 Committee shall be elected by the members of
14 the Advisory Committee from among such
15 members.

16 “(B) EXCEPTION.—The member appointed
17 pursuant to paragraph (3)(A)(ii) (or the alter-
18 nate to that member) may not serve as the
19 Chairperson of the Advisory Committee, begin-
20 ning on June 1, 1999.”.

21 (e) EFFECTIVE DATE.—This section and the amend-
22 ments made by this section shall take effect on the date
23 of enactment of this Act.

1 TITLE VI—GENERAL PROVISIONS

2 DEPARTMENTS, AGENCIES, AND CORPORATIONS

3 SECTION 601. Funds appropriated in this or any
4 other Act may be used to pay travel to the United States
5 for the immediate family of employees serving abroad in
6 cases of death or life threatening illness of said employee.

7 SEC. 602. No department, agency, or instrumentality
8 of the United States receiving appropriated funds under
9 this or any other Act for fiscal year 1997 shall obligate
10 or expend any such funds, unless such department, agen-
11 cy, or instrumentality has in place, and will continue to
12 administer in good faith, a written policy designed to en-
13 sure that all of its workplaces are free from the illegal
14 use, possession, or distribution of controlled substances
15 (as defined in the Controlled Substances Act) by the offi-
16 cers and employees of such department, agency, or instru-
17 mentality.

18 SEC. 603. Notwithstanding 31 U.S.C. 1345, any
19 agency, department or instrumentality of the United
20 States which provides or proposes to provide child care
21 services for Federal employees may reimburse any Federal
22 employee or any person employed to provide such services
23 for travel, transportation, and subsistence expenses in-
24 curred for training classes, conferences or other meetings
25 in connection with the provision of such services: *Provided,*

1 That any per diem allowance made pursuant to this sec-
2 tion shall not exceed the rate specified in regulations pre-
3 scribed pursuant to section 5707 of title 5, United States
4 Code.

5 SEC. 604. Unless otherwise specifically provided, the
6 maximum amount allowable during the current fiscal year
7 in accordance with section 16 of the Act of August 2, 1946
8 (60 Stat. 810), for the purchase of any passenger motor
9 vehicle (exclusive of buses, ambulances, law enforcement,
10 and undercover surveillance vehicles), is hereby fixed at
11 \$8,100 except station wagons for which the maximum
12 shall be \$9,100: *Provided*, That these limits may be ex-
13 ceeded by not to exceed \$3,700 for police-type vehicles,
14 and by not to exceed \$4,000 for special heavy-duty vehi-
15 cles: *Provided further*, That the limits set forth in this sec-
16 tion may not be exceeded by more than 5 percent for elec-
17 tric or hybrid vehicles purchased for demonstration under
18 the provisions of the Electric and Hybrid Vehicle Re-
19 search, Development, and Demonstration Act of 1976:
20 *Provided further*, That the limits set forth in this section
21 may be exceeded by the incremental cost of clean alter-
22 native fuels vehicles acquired pursuant to Public Law
23 101-549 over the cost of comparable conventionally fueled
24 vehicles.

1 SEC. 605. Appropriations of the executive depart-
2 ments and independent establishments for the current fis-
3 cal year available for expenses of travel or for the expenses
4 of the activity concerned, are hereby made available for
5 quarters allowances and cost-of-living allowances, in ac-
6 cordance with 5 U.S.C. 5922–24.

7 SEC. 606. Unless otherwise specified during the cur-
8 rent fiscal year, no part of any appropriation contained
9 in this or any other Act shall be used to pay the compensa-
10 tion of any officer or employee of the Government of the
11 United States (including any agency the majority of the
12 stock of which is owned by the Government of the United
13 States) whose post of duty is in the continental United
14 States unless such person (1) is a citizen of the United
15 States, (2) is a person in the service of the United States
16 on the date of enactment of this Act who, being eligible
17 for citizenship, has filed a declaration of intention to be-
18 come a citizen of the United States prior to such date and
19 is actually residing in the United States, (3) is a person
20 who owes allegiance to the United States, (4) is an alien
21 from Cuba, Poland, South Vietnam, the countries of the
22 former Soviet Union, or the Baltic countries lawfully ad-
23 mitted to the United States for permanent residence, (5)
24 is a South Vietnamese, Cambodian, or Laotian refugee pa-
25 roled in the United States after January 1, 1975, or (6)

1 is a national of the People's Republic of China who
2 qualifys for adjustment of status pursuant to the Chinese
3 Student Protection Act of 1992: *Provided*, That for the
4 purpose of this section, an affidavit signed by any such
5 person shall be considered prima facie evidence that the
6 requirements of this section with respect to his or her sta-
7 tus have been complied with: *Provided further*, That any
8 person making a false affidavit shall be guilty of a felony,
9 and, upon conviction, shall be fined no more than \$4,000
10 or imprisoned for not more than 1 year, or both: *Provided*
11 *further*, That the above penal clause shall be in addition
12 to, and not in substitution for, any other provisions of ex-
13 isting law: *Provided further*, That any payment made to
14 any officer or employee contrary to the provisions of this
15 section shall be recoverable in action by the Federal Gov-
16 ernment. This section shall not apply to citizens of Ire-
17 land, Israel, or the Republic of the Philippines, or to na-
18 tionals of those countries allied with the United States in
19 the current defense effort, or to international broadcasters
20 employed by the United States Information Agency, or to
21 temporary employment of translators, or to temporary em-
22 ployment in the field service (not to exceed 60 days) as
23 a result of emergencies.

24 SEC. 607. Appropriations available to any depart-
25 ment or agency during the current fiscal year for nec-

1 essary expenses, including maintenance or operating ex-
2 penses, shall also be available for payment to the General
3 Services Administration for charges for space and services
4 and those expenses of renovation and alteration of build-
5 ings and facilities which constitute public improvements
6 performed in accordance with the Public Buildings Act of
7 1959 (73 Stat. 749), the Public Buildings Amendments
8 of 1972 (87 Stat. 216), or other applicable law.

9 SEC. 608. In addition to funds provided in this or
10 any other Act, all Federal agencies are authorized to re-
11 ceive and use funds resulting from the sale of materials,
12 including Federal records disposed of pursuant to a
13 records schedule recovered through recycling or waste pre-
14 vention programs. Such funds shall be available until ex-
15 pended for the following purposes:

16 (1) Acquisition, waste reduction and prevention,
17 and recycling programs as described in Executive
18 Order 12873 (October 20, 1993), including any such
19 programs adopted prior to the effective date of the
20 Executive Order.

21 (2) Other Federal agency environmental man-
22 agement programs, including, but not limited to, the
23 development and implementation of hazardous waste
24 management and pollution prevention programs.

1 (3) Other employee programs as authorized by
2 law or as deemed appropriate by the head of the
3 Federal agency.

4 SEC. 609. Funds made available by this or any other
5 Act for administrative expenses in the current fiscal year
6 of the corporations and agencies subject to chapter 91 of
7 title 31, United States Code, shall be available, in addition
8 to objects for which such funds are otherwise available,
9 for rent in the District of Columbia; services in accordance
10 with 5 U.S.C. 3109; and the objects specified under this
11 head, all the provisions of which shall be applicable to the
12 expenditure of such funds unless otherwise specified in the
13 Act by which they are made available: *Provided*, That in
14 the event any functions budgeted as administrative ex-
15 penses are subsequently transferred to or paid from other
16 funds, the limitations on administrative expenses shall be
17 correspondingly reduced.

18 SEC. 610. No part of any appropriation for the cur-
19 rent fiscal year contained in this or any other Act shall
20 be paid to any person for the filling of any position for
21 which he or she has been nominated after the Senate has
22 voted not to approve the nomination of said person.

23 SEC. 611. For the fiscal year ending September 30,
24 1997, and thereafter, any department or agency to which
25 the Administrator of General Services has delegated the

1 authority to operate, maintain or repair any building or
2 facility pursuant to section 205(d) of the Federal Property
3 and Administrative Services Act of 1949, as amended,
4 shall retain that portion of the GSA rental payment avail-
5 able for operation, maintenance or repair of the building
6 or facility, as determined by the Administrator, and ex-
7 pend such funds directly for the operation, maintenance
8 or repair of the building or facility. Any funds retained
9 under this section shall remain available until expended
10 for such purposes.

11 SEC. 612. (a) IN GENERAL.—Section 1306 of title
12 31, United States Code, is amended to read as follows:

13 **“§ 1306. Use of foreign credits**

14 “(a) IN GENERAL.—Foreign credits (including cur-
15 rencies) owed to or owned by the United States may be
16 used by any agency for any purpose for which appropria-
17 tions are made for the agency for the current fiscal year
18 (including the carrying out of Acts requiring or authoriz-
19 ing the use of such credits), but only when reimbursement
20 therefor is made to the Treasury from applicable appro-
21 priations of the agency.

22 “(b) EXCEPTION TO REIMBURSEMENT REQUIRE-
23 MENT.—Credits described in subsection (a) that are re-
24 ceived as exchanged allowances, or as the proceeds of the
25 sale of personal property, may be used in whole or partial

1 payment for the acquisition of similar items, to the extent
2 and in the manner authorized by law, without reimburse-
3 ment to the Treasury.”.

4 (b) APPLICABILITY.—The amendment made by this
5 section shall take effect on the date of the enactment of
6 this Act and shall apply thereafter.

7 SEC. 613. No part of any appropriation contained in
8 this or any other Act shall be available for interagency
9 financing of boards (except Federal Executive Boards),
10 commissions, councils, committees, or similar groups
11 (whether or not they are interagency entities) which do
12 not have a prior and specific statutory approval to receive
13 financial support from more than one agency or instru-
14 mentality.

15 SEC. 614. Funds made available by this or any other
16 Act to the “Postal Service Fund” (39 U.S.C. 2003) shall
17 be available for employment of guards for all buildings and
18 areas owned or occupied by the Postal Service and under
19 the charge and control of the Postal Service, and such
20 guards shall have, with respect to such property, the pow-
21 ers of special policemen provided by the first section of
22 the Act of June 1, 1948, as amended (62 Stat. 281; 40
23 U.S.C. 318), and, as to property owned or occupied by
24 the Postal Service, the Postmaster General may take the
25 same actions as the Administrator of General Services

1 may take under the provisions of sections 2 and 3 of the
2 Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C.
3 318a, 318b), attaching thereto penal consequences under
4 the authority and within the limits provided in section 4
5 of the Act of June 1, 1948, as amended (62 Stat. 281;
6 40 U.S.C. 318c).

7 SEC. 615. None of the funds made available pursuant
8 to the provisions of this Act shall be used to implement,
9 administer, or enforce any regulation which has been dis-
10 approved pursuant to a resolution of disapproval duly
11 adopted in accordance with the applicable law of the Unit-
12 ed States.

13 SEC. 616. (a) Notwithstanding any other provision
14 of law, and except as otherwise provided in this section,
15 no part of any of the funds appropriated for the fiscal
16 year ending on September 30, 1997, by this or any other
17 Act, may be used to pay any prevailing rate employee de-
18 scribed in section 5342(a)(2)(A) of title 5, United States
19 Code—

20 (1) during the period from the date of expira-
21 tion of the limitation imposed by section 616 of the
22 Treasury, Postal Service and General Government
23 Appropriations Act, 1996, until the normal effective
24 date of the applicable wage survey adjustment that
25 is to take effect in fiscal year 1997, in an amount

1 that exceeds the rate payable for the applicable
2 grade and step of the applicable wage schedule in
3 accordance with such section 616; and

4 (2) during the period consisting of the remain-
5 der of fiscal year 1997, in an amount that exceeds,
6 as a result of a wage survey adjustment, the rate
7 payable under paragraph (1) by more than the sum
8 of—

9 (A) the percentage adjustment taking ef-
10 fect in fiscal year 1997 under section 5303 of
11 title 5, United States Code, in the rates of pay
12 under the General Schedule; and

13 (B) the difference between the overall aver-
14 age percentage of the locality-based comparabil-
15 ity payments taking effect in fiscal year 1997
16 under section 5304 of such title (whether by
17 adjustment or otherwise), and the overall aver-
18 age percentage of such payments which was ef-
19 fective in fiscal year 1996 under such section.

20 (b) Notwithstanding any other provision of law, no
21 prevailing rate employee described in subparagraph (B) or
22 (C) of section 5342(a)(2) of title 5, United States Code,
23 and no employee covered by section 5348 of such title,
24 may be paid during the periods for which subsection (a)
25 is in effect at a rate that exceeds the rates that would

1 be payable under subsection (a) were subsection (a) appli-
2 cable to such employee.

3 (c) For the purposes of this section, the rates payable
4 to an employee who is covered by this section and who
5 is paid from a schedule not in existence on September 30,
6 1996, shall be determined under regulations prescribed by
7 the Office of Personnel Management.

8 (d) Notwithstanding any other provision of law, rates
9 of premium pay for employees subject to this section may
10 not be changed from the rates in effect on September 30,
11 1996, except to the extent determined by the Office of
12 Personnel Management to be consistent with the purpose
13 of this section.

14 (e) This section shall apply with respect to pay for
15 service performed after September 30, 1996.

16 (f) For the purpose of administering any provision
17 of law (including section 8431 of title 5, United States
18 Code, and any rule or regulation that provides premium
19 pay, retirement, life insurance, or any other employee ben-
20 efit) that requires any deduction or contribution, or that
21 imposes any requirement or limitation on the basis of a
22 rate of salary or basic pay, the rate of salary or basic pay
23 payable after the application of this section shall be treat-
24 ed as the rate of salary or basic pay.

1 (g) Nothing in this section shall be considered to per-
2 mit or require the payment to any employee covered by
3 this section at a rate in excess of the rate that would be
4 payable were this section not in effect.

5 (h) The Office of Personnel Management may provide
6 for exceptions to the limitations imposed by this section
7 if the Office determines that such exceptions are necessary
8 to ensure the recruitment or retention of qualified employ-
9 ees.

10 SEC. 617. During the period in which the head of
11 any department or agency, or any other officer or civilian
12 employee of the Government appointed by the President
13 of the United States, holds office, no funds may be obli-
14 gated or expended in excess of \$5,000 to furnish or re-
15 decorate the office of such department head, agency head,
16 officer or employee, or to purchase furniture or make im-
17 provements for any such office, unless advance notice of
18 such furnishing or redecoration is expressly approved by
19 the Committees on Appropriations of the House and Sen-
20 ate. For the purposes of this section, the word "office"
21 shall include the entire suite of offices assigned to the indi-
22 vidual, as well as any other space used primarily by the
23 individual or the use of which is directly controlled by the
24 individual.

1 SEC. 618. Notwithstanding any other provision of
2 law, no executive branch agency shall purchase, construct,
3 and/or lease any additional facilities, except within or con-
4 tiguous to existing locations, to be used for the purpose
5 of conducting Federal law enforcement training without
6 the advance approval of the House and Senate Committees
7 on Appropriations.

8 SEC. 619. Notwithstanding section 1346 of title 31,
9 United States Code, or section 613 of this Act, funds
10 made available for fiscal year 1997 by this or any other
11 Act shall be available for the interagency funding of na-
12 tional security and emergency preparedness telecommuni-
13 cations initiatives which benefit multiple Federal depart-
14 ments, agencies, or entities, as provided by Executive
15 Order Numbered 12472 (April 3, 1984).

16 SEC. 620. (a) None of the funds appropriated by this
17 or any other Act may be obligated or expended by any
18 Federal department, agency, or other instrumentality for
19 the salaries or expenses of any employee appointed to a
20 position of a confidential or policy-determining character
21 excepted from the competitive service pursuant to section
22 3302 of title 5, United States Code, without a certification
23 to the Office of Personnel Management from the head of
24 the Federal department, agency, or other instrumentality
25 employing the Schedule C appointee that the Schedule C

1 position was not created solely or primarily in order to
2 detail the employee to the White House.

3 (b) The provisions of this section shall not apply to
4 Federal employees or members of the armed services de-
5 tailed to or from—

6 (1) the Central Intelligence Agency;

7 (2) the National Security Agency;

8 (3) the Defense Intelligence Agency;

9 (4) the offices within the Department of De-
10 fense for the collection of specialized national foreign
11 intelligence through reconnaissance programs;

12 (5) the Bureau of Intelligence and Research of
13 the Department of State;

14 (6) any agency, office, or unit of the Army,
15 Navy, Air Force, and Marine Corps, the Federal Bu-
16 reau of Investigation and the Drug Enforcement Ad-
17 ministration of the Department of Justice, the De-
18 partment of Transportation, the Department of the
19 Treasury, and the Department of Energy perform-
20 ing intelligence functions; and

21 (7) the Director of Central Intelligence.

22 SEC. 621. No department, agency, or instrumentality
23 of the United States receiving appropriated funds under
24 this or any other Act for fiscal year 1997 shall obligate
25 or expend any such funds, unless such department, agency

1 or instrumentality has in place, and will continue to ad-
2 minister in good faith, a written policy designed to ensure
3 that all of its workplaces are free from discrimination and
4 sexual harassment and that all of its workplaces are not
5 in violation of title VII of the Civil Rights Act of 1964,
6 as amended, the Age Discrimination in Employment Act
7 of 1967, and the Rehabilitation Act of 1973.

8 SEC. 622. No part of any appropriation contained in
9 this Act may be used to pay for the expenses of travel
10 of employees, including employees of the Executive Office
11 of the President, not directly responsible for the discharge
12 of official governmental tasks and duties: *Provided*, That
13 this restriction shall not apply to the family of the Presi-
14 dent, Members of Congress or their spouses, Heads of
15 State of a foreign country or their designees, persons pro-
16 viding assistance to the President for official purposes, or
17 other individuals so designated by the President.

18 SEC. 623. Notwithstanding any provision of law, the
19 President, or his designee, must certify to Congress, annu-
20 ally, that no person or persons with direct or indirect re-
21 sponsibility for administering the Executive Office of the
22 President's Drug-Free Workplace Plan are themselves
23 subject to a program of individual random drug testing.

24 SEC. 624. (a) None of the funds made available in
25 this Act or any other Act may be obligated or expended

1 for any employee training when it is made known to the
2 Federal official having authority to obligate or expend
3 such funds that such employee training—

4 (1) does not meet identified needs for knowl-
5 edge, skills, and abilities bearing directly upon the
6 performance of official duties;

7 (2) contains elements likely to induce high lev-
8 els of emotional response or psychological stress in
9 some participants;

10 (3) does not require prior employee notification
11 of the content and methods to be used in the train-
12 ing and written end of course evaluation;

13 (4) contains any methods or content associated
14 with religious or quasi-religious belief systems or
15 “new age” belief systems as defined in Equal Em-
16 ployment Opportunity Commission Notice N-
17 915.022, dated September 2, 1988;

18 (5) is offensive to, or designed to change, par-
19 ticipants’ personal values or lifestyle outside the
20 workplace; or

21 (6) includes content related to human
22 immunodeficiency virus/acquired immune deficiency
23 syndrome (HIV/AIDS) other than that necessary to
24 make employees more aware of the medical ramifica-

1 tions of HIV/AIDS and the workplace rights of
2 HIV-positive employees.

3 (b) Nothing in this section shall prohibit, restrict, or
4 otherwise preclude an agency from conducting training
5 bearing directly upon the performance of official duties.

6 SEC. 625. No funds appropriated in this or any other
7 Act for fiscal year 1997 may be used to implement or en-
8 force the agreements in Standard Forms 312 and 4355
9 of the Government or any other nondisclosure policy,
10 form, or agreement if such policy, form, or agreement does
11 not contain the following provisions: “These restrictions
12 are consistent with and do not supersede, conflict with,
13 or otherwise alter the employee obligations, rights, or li-
14 abilities created by Executive Order 12356; section 7211
15 of title 5, United States Code (governing disclosures to
16 Congress); section 1034 of title 10, United States Code,
17 as amended by the Military Whistleblower Protection Act
18 (governing disclosure to Congress by members of the mili-
19 tary); section 2302(b)(8) of title 5, United States Code,
20 as amended by the Whistleblower Protection Act (govern-
21 ing disclosures of illegality, waste, fraud, abuse or public
22 health or safety threats); the Intelligence Identities Pro-
23 tection Act of 1982 (50 U.S.C. 421 et seq.) (governing
24 disclosures that could expose confidential Government
25 agents); and the statutes which protect against disclosure

1 that may compromise the national security, including sec-
2 tions 641, 793, 794, 798, and 952 of title 18, United
3 States Code, and section 4(b) of the Subversive Activities
4 Act of 1950 (50 U.S.C. section 783(b)). The definitions,
5 requirements, obligations, rights, sanctions, and liabilities
6 created by said Executive Order and listed statutes are
7 incorporated into this agreement and are controlling.”:
8 *Provided*, That notwithstanding the preceding paragraph,
9 a nondisclosure policy form or agreement that is to be exe-
10 cuted by a person connected with the conduct of an intel-
11 ligence or intelligence-related activity, other than an em-
12 ployee or officer of the United States Government, may
13 contain provisions appropriate to the particular activity
14 for which such document is to be used. Such form or
15 agreement shall, at a minimum, require that the person
16 will not disclose any classified information received in the
17 course of such activity unless specifically authorized to do
18 so by the United States Government. Such nondisclosure
19 forms shall also make it clear that they do not bar disclo-
20 sures to Congress or to an authorized official of an execu-
21 tive agency or the Department of Justice that are essential
22 to reporting a substantial violation of law.

23 SEC. 626. (a) None of the funds appropriated by this
24 or any other Act may be expended by any Federal Agency
25 to procure any product or service subject to section 5124

1 of Public Law 104–106 and that will be available under
2 the procurement by the Administrator of General Services
3 known as “FTS2000” unless—

4 (1) such product or service is procured by the
5 Administrator of General Services as part of the
6 procurement known as “FTS2000”; or

7 (2) that agency establishes to the satisfaction of
8 the Administrator of General Services that—

9 (A) that agency’s requirements for such
10 procurement are unique and cannot be satisfied
11 by property and service procured by the Admin-
12 istrator of General Services as part of the pro-
13 curement known as “FTS2000”; and

14 (B) the agency procurement, pursuant to
15 such delegation, would be cost-effective and
16 would not adversely affect the cost-effectiveness
17 of the FTS2000 procurement.

18 (b) After December 31, 1998, subsection (a) shall
19 apply only if the Administrator of General Services has
20 reported that the FTS2000 procurement is producing
21 prices that allow the Government to satisfy its require-
22 ments for such procurement in the most cost-effective
23 manner.

1 SEC. 627. Subsection (f) of section 403 of Public Law
2 103–356 is amended by deleting “October 1, 1999” and
3 inserting “October 1, 2001”.

4 SEC. 628. (a) IN GENERAL.—Notwithstanding any
5 other provision of law, none of the funds made available
6 by this Act for the Department of the Treasury shall be
7 available for any activity or for paying the salary of any
8 Government employee where funding an activity or paying
9 a salary to a Government employee would result in a deci-
10 sion, determination, rule, regulation, or policy that would
11 permit the Secretary of the Treasury to make any loan
12 or extension of credit under section 5302 of title 31,
13 United States Code, with respect to a single foreign entity
14 or government of a foreign country (including agencies or
15 other entities of that government)—

16 (1) with respect to a loan or extension of credit
17 for more than 60 days, unless the President certifies
18 to the Committee on Banking, Housing, and Urban
19 Affairs of the Senate and the Committee on Banking
20 and Financial Services of the House of Representa-
21 tives that—

22 (A) there is no projected cost (as that term
23 is defined in section 502 of the Federal Credit
24 Reform Act of 1990) to the United States from
25 the proposed loan or extension of credit; and

1 (B) any proposed obligation or expenditure
2 of United States funds to or on behalf of the
3 foreign government is adequately backed by an
4 assured source of repayment to ensure that all
5 United States funds will be repaid; and

6 (2) other than as provided by an Act of Con-
7 gress, if that loan or extension of credit would result
8 in expenditures and obligations, including contingent
9 obligations, aggregating more than \$1,000,000,000
10 with respect to that foreign country for more than
11 180 days during the 12-month period beginning on
12 the date on which the first such action is taken.

13 (b) WAIVER OF LIMITATIONS.—The President may
14 exceed the dollar and time limitations in subsection (a)(2)
15 if he certifies in writing to the Congress that a financial
16 crisis in that foreign country poses a threat to vital United
17 States economic interests or to the stability of the inter-
18 national financial system.

19 (c) EXPEDITED PROCEDURES FOR A RESOLUTION OF
20 DISAPPROVAL.—A presidential certification pursuant to
21 subsection (b) shall not take effect, if the Congress, within
22 30 calendar days after receiving such certification, enacts
23 a joint resolution of disapproval, as described in paragraph
24 (5) of this subsection.

1 (1) REFERENCE TO COMMITTEES.—All joint
2 resolutions introduced in the Senate to disapprove
3 the certification shall be referred to the Committee
4 on Banking, Housing, and Urban Affairs, and in the
5 House of Representatives, to the appropriate com-
6 mittees.

7 (2) DISCHARGE OF COMMITTEES.—(A) If the
8 committee of either House to which a resolution has
9 been referred has not reported it at the end of 15
10 days after its introduction, it is in order to move ei-
11 ther to discharge the committee from further consid-
12 eration of the joint resolution or to discharge the
13 committee from further consideration of any other
14 resolution introduced with respect to the same mat-
15 ter, except no motion to discharge shall be in order
16 after the committee has reported a joint resolution
17 with respect to the same matter.

18 (B) A motion to discharge may be made only by
19 an individual favoring the resolution, and is privi-
20 leged in the Senate; and debate thereon shall be lim-
21 ited to not more than 1 hour, the time to be divided
22 in the Senate equally between, and controlled by, the
23 majority leader and the minority leader or their des-
24 ignees.

1 (3) FLOOR CONSIDERATION IN THE SENATE.—

2 (A) A motion in the Senate to proceed to the consid-
3 eration of a resolution shall be privileged.

4 (B) Debate in the Senate on a resolution, and
5 all debatable motions and appeals in connection
6 therewith, shall be limited to not more than 4 hours,
7 to be equally divided between, and controlled by, the
8 majority leader and the minority leader or their des-
9 ignees.

10 (C) Debate in the Senate on any debatable mo-
11 tion or appeal in connection with a resolution shall
12 be limited to not more than 20 minutes, to be equal-
13 ly divided between, and controlled by, the mover and
14 the manager of the resolution, except that in the
15 event the manager of the resolution is in favor of
16 any such motion or appeal, the time in opposition
17 thereto, shall be controlled by the minority leader or
18 his designee. Such leaders, or either of them, may,
19 from time under their control on the passage of a
20 resolution, allot additional time to any Senator dur-
21 ing the consideration of any debatable motion or ap-
22 peal.

23 (D) A motion in the Senate to further limit de-
24 bate on a resolution, debatable motion, or appeal is

1 not debatable. No amendment to, or motion to re-
2 commit, a resolution is in order in the Senate.

3 (4) In the case of a resolution, if prior to the
4 passage by one House of a resolution of that House,
5 that House receives a resolution with respect to the
6 same matter from the other House, then—

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

10 (B) the vote on final passage shall be on
11 the resolution of the other House.

12 (5) For purposes of this subsection, the term
13 “joint resolution” means only a joint resolution of
14 the 2 Houses of Congress, the matter after the re-
15 solving clause of which is as follows: “That the Con-
16 gress disapproves the action of the President under
17 section 628(c) of the Treasury, Postal Service, and
18 General Government Appropriations Act, 1997, no-
19 tice of which was submitted to the Congress on
20 _____.”, with the blank space being filled
21 with the appropriate date.

22 (d) APPLICABILITY.—This section—

23 (1) shall not apply to any action taken as part
24 of the program of assistance to Mexico announced
25 by the President on January 31, 1995; and

1 (2) shall remain in effect through fiscal year
2 1997.

3 SEC. 629. (a) TECHNICAL AMENDMENT.—Section
4 640 of Public Law 104–52 (109 Stat. 513) is amended
5 by striking “Service performed” and inserting “Hereafter,
6 service performed”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect as if included in Public
9 Law 104–52 on the date of its enactment.

10 SEC. 630. Notwithstanding any other provision of
11 law, no part of any appropriation contained in this Act
12 for any fiscal year shall be available for paying Sunday
13 premium or differential pay to any employee unless such
14 employee actually performed work during the time cor-
15 responding to such premium or differential pay.

16 SEC. 631. No part of any funds appropriated in this
17 or any other Act shall be used by an agency of the execu-
18 tive branch, other than for normal and recognized execu-
19 tive-legislative relationships, for publicity or propaganda
20 purposes, and for the preparation, distribution or use of
21 any kit, pamphlet, booklet, publication, radio, television or
22 film presentation designed to support or defeat legislation
23 pending before the Congress, except in presentation to the
24 Congress itself.

1 SEC. 632.(a) The United States Courthouse under
2 construction at 1030 Southwest 3d Avenue in Portland,
3 Oregon, shall be known and designated as the “Mark O.
4 Hatfield United States Courthouse”.

5 (b) Any reference in a law, map, regulation, docu-
6 ment, paper, or other record of the United States to the
7 courthouse referred to in section 901 shall be deemed to
8 be a reference to the “Mark O. Hatfield United States
9 Courthouse”.

10 (c) This section shall take effect on January 2, 1997.

11 SEC. 633. SURVIVOR ANNUITY RESUMPTION UPON
12 TERMINATION OF MARRIAGE.—(a) AMENDMENTS.—

13 (1) CIVIL SERVICE RETIREMENT SYSTEM.—Sec-
14 tion 8341(e) of title 5, United States Code, is
15 amended by adding at the end the following:

16 “(4) If the annuity of a child under this subchapter
17 terminates under paragraph (3)(E) because of marriage,
18 then, if such marriage ends, such annuity shall resume
19 on the first day of the month in which it ends, but only
20 if—

21 “(A) any lump sum paid is returned to the
22 Fund; and

23 “(B) that individual is not otherwise ineligible
24 for such annuity.”.

1 (2) FEDERAL EMPLOYEES' RETIREMENT SYS-
2 TEM.—Section 8443(b) of such title is amended by
3 adding at the end the following: “If the annuity of
4 a child under this subchapter terminates under sub-
5 paragraph (E) because of marriage, then, if such
6 marriage ends, such annuity shall resume on the
7 first day of the month in which it ends, but only
8 if any lump sum paid is returned to the Fund, and
9 that individual is not otherwise ineligible for such
10 annuity.”.

11 (3) FEDERAL EMPLOYEES HEALTH BENE-
12 FITS.—Section 8908 of title 5, United States Code,
13 is amended by adding at the end of the following
14 new subsection:

15 “(d) A surviving child whose survivor annuity under
16 section 8341(e) or 8443(b) was terminated and is later
17 restored under paragraph (4) of section 8341(e) or the
18 last sentence of section 8443(b) may, under regulations
19 prescribed by the Office, enroll in a health benefits plan
20 described by section 8903 or 8903a if such surviving child
21 was covered by any such plan immediately before such an-
22 nuity was terminated.”.

23 (b) APPLICABILITY.—The amendments made by sub-
24 section (a) shall apply with respect to any termination of
25 marriage taking effect before, on, or after the date of en-

1 actment of this Act, except that benefits shall be payable
2 only with respect to amounts accruing for periods begin-
3 ning on the first day of the month beginning after the
4 later of such termination of marriage or such date of en-
5 actment.

6 SEC. 634. AVAILABILITY OF ANNUAL LEAVE FOR
7 EMPLOYEES AFFECTED BY REDUCTION IN FORCE.—Sec-
8 tion 6302 of title 5, United States Code, is amended by
9 adding at the end of the following new subsection:

10 “(g) An employee who is being involuntarily sepa-
11 rated from an agency due to a reduction in force or trans-
12 fer of function under subchapter I of chapter 35 may elect
13 to use annual leave to the employee’s credit to remain on
14 the agency’s rolls after the date the employee would other-
15 wise have been separated if, and only to the extent that,
16 such additional time in a pay status will enable the em-
17 ployee to qualify for an immediate annuity under section
18 8336, 8412, 8414, or to qualify to carry health benefits
19 coverage into retirement under section 8905(b).”.

20 SEC. 635. Section 207(e)(6)(B) of title 18, United
21 States Code, is amended by striking “level V of the Execu-
22 tive Schedule” and inserting “level 5 of the Senior Execu-
23 tive Service”.

24 SEC. 636. REIMBURSEMENTS RELATING TO PROFES-
25 SIONAL LIABILITY INSURANCE.—(a) AUTHORITY.—Not-

1 withstanding any other provision of law, amounts appro-
2 priated by this Act (or any other Act for fiscal year 1997
3 or any fiscal year thereafter) for salaries and expenses
4 may be used to reimburse any qualified employee for not
5 to exceed one-half the costs incurred by such employee for
6 professional liability insurance. A payment under this sec-
7 tion shall be contingent upon the submission of such infor-
8 mation or documentation as the employing agency may re-
9 quire.

10 (b) QUALIFIED EMPLOYEE.—For purposes of this
11 section, the term “qualified employee” means an agency
12 employee whose position is that of—

13 (1) a law enforcement officer; or

14 (2) a supervisor or management official.

15 (c) DEFINITIONS.—For purposes of this section—

16 (1) the term “agency” means an Executive
17 agency, as defined by section 105 of title 5, United
18 States Code, and any agency of the Legislative
19 Branch of Government including any office or com-
20 mittee of the Senate or the House of Representa-
21 tives;

22 (2) the term “law enforcement officer” means
23 an employee, the duties of whose position are pri-
24 marily the investigation, apprehension, prosecution,
25 or detention of individuals suspected or convicted of

1 offenses against the criminal laws of the United
2 States, including any law enforcement officer under
3 section 8331(20) or 8401(17) of such title 5, or
4 under section 4823 of title 22, United States Code;

5 (3) the terms “supervisor” and “management
6 official” have the respective meanings given them by
7 section 7103(a) of such title 5; and

8 (4) the term “professional liability insurance”
9 means insurance which provides coverage for—

10 (A) legal liability for damages due to inju-
11 ries to other persons, damage to their property,
12 or other damage or loss to such other persons
13 (including the expenses of litigation and settle-
14 ment) resulting from or arising out of any
15 tortious act, error, or omission of the covered
16 individual (whether common law, statutory, or
17 constitutional) while in the performance of such
18 individual’s official duties as a qualified em-
19 ployee; and

20 (B) the cost of legal representation for the
21 covered individual in connection with any ad-
22 ministrative or judicial proceeding (including
23 any investigation or disciplinary proceeding) re-
24 lating to any act, error, or omission of the cov-
25 ered individual while in the performance of such

1 individual's official duties as a qualified em-
2 ployee, and other legal costs and fees relating
3 to any such administrative or judicial proceed-
4 ing.

5 (d) APPLICABILITY.—The amendments made by this
6 section shall take effect on the date of the enactment of
7 this Act and shall apply thereafter.

8 SEC. 637. For purposes of each provision of law
9 amended by section 704(a)(2) of the Ethics Reform Act
10 of 1989 (5 U.S.C. 5318 note), no adjustment under sec-
11 tion 5303 of title 5, United States Code, shall be consid-
12 ered to have taken effect in fiscal year 1997 in the rates
13 of basic pay for the statutory pay systems.

14 SEC. 639. Section 608 of Public Law 104–52 is
15 amended in the first sentence by inserting before the pe-
16 riod, “, including Federal records disposed of pursuant to
17 a records schedule”.

18 SEC. 640. In reviewing and analyzing the contracting
19 out, outsourcing or privatization of business and adminis-
20 trative functions, and in implementing 40 U.S.C. sections
21 1413 and 1423, and other provisions, in title LI of the
22 National Defense Authorization Act for fiscal year 1996
23 (the Information Technology Management Reform Act)—

24 (1) the Director of the Office of Management
25 and Budget and the heads of the executive agencies

1 may have studies, analyses, reviews and other man-
2 agement assistance performed by the private sector;

3 (2) the reviews, analyses, and studies called for
4 by 40 U.S.C. section 1413(b)(2) (B) and (C) shall
5 be completed and reported to the Agency Head with-
6 in 180 days, or less measured from when a study
7 analysis or review is initiated unless the Agency
8 Head determines additional time is needed;

9 (3) in accordance with principles and rules gov-
10 erning organizational conflicts of interest, persons
11 involved in a particular study may not compete for
12 any work that is to be or is outsourced as a result
13 of that study; and

14 (4) this section will apply with respect to stud-
15 ies occurring on or after the date of enactment of
16 this subsection and completed before September 1,
17 1999 and the Comptroller General of the United
18 States shall review and provide an assessment of
19 this program by January 1, 1999.

20 SEC. 641. (a) SECTION 1—AUTHORIZATION OF AP-
21 PROPRIATIONS.—Section 8(a)(1) of the Whistleblower
22 Protection Act of 1989 (5 U.S.C. 5509 note, Public Law
23 101–12, April 10, 1989, 103 Stat. 34, as amended Public
24 Law 103–424, Section 1, October 29, 1994, 108 Stat.
25 4361), is amended by striking the words: “1993, 1994,

1 1995, 1996, and 1997,” and inserting in lieu thereof
2 “1998, 1999, 2000, 2001, and 2002”.

3 (b) SECTION 2—EFFECTIVE DATE.—This Act shall
4 take effect on October 1, 1998.

5 SEC. 642. (a) SECTION 1—AUTHORIZATION OF AP-
6 PROPRIATIONS.—Section 8(a)(1) of the Whistleblower
7 Protection Act of 1989 (5 U.S.C. 5509 note; Public Law
8 103–424; 103 Stat. 34) is amended by striking out:
9 “1993, 1994, 1995, 1996, and 1997,” and inserting in
10 lieu thereof “1998, 1999, 2000, 2001, and 2002”.

11 (b) SECTION 2—EFFECTIVE DATE.—This Act shall
12 take effect on October 1, 1998.

13 SEC. 643. MODIFICATIONS OF NATIONAL COMMIS-
14 SION ON RESTRUCTURING THE INTERNAL REVENUE
15 SERVICE.—(a) QUORUM.—Paragraph (4) of section
16 637(b) of the Treasury, Postal Service, and General Gov-
17 ernment Appropriations Act, 1996 (Public Law 104–52,
18 109 Stat. 510) is amended by striking “Seven” and insert-
19 ing “Nine”.

20 (b) CO-CHAIRS.—

21 (1) IN GENERAL.—Paragraph (3) of section
22 637(b) of such Act is amended—

23 (A) by striking “a Chairman” and insert-
24 ing “Co-Chairs”, and

1 (B) by striking “Chairman” in the heading
2 and inserting “Co-Chairs”.

3 (2) CONFORMING AMENDMENTS.—(A) Para-
4 graph (5)(B) of section 637(b) of such Act is
5 amended by striking “a Chairman” and inserting
6 “Co-Chairs”.

7 (B) Subsections (b)(4), (d)(1)(B), (d)(3), and
8 (e)(1) of section 637 of such Act are each amended
9 by striking “Chairman” each place it appears and
10 inserting “Co-Chairs”.

11 (c) GIFTS.—Section 637(d) of such Act is amended
12 by adding at the end the following new paragraph:

13 “(6) GIFTS.—The Commission may accept, use,
14 and dispose of gifts or donations of services or prop-
15 erty in carrying out its duties under this section.”

16 (d) TRAVEL EXPENSES.—Section 637(f)(2) of such
17 Act is amended by striking “shall” and inserting “may”.

18 (e) TIME FOR FILING REPORT.—

19 (1) IN GENERAL.—Paragraph (1) of section
20 637(g) of such Act is amended by striking “one
21 year” and inserting “15 months”.

22 (2) CONFORMING AMENDMENT.—Subparagraph
23 (A) of section 637(c)(1) of such Act is amended by
24 striking “one year” and inserting “15 months”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the provisions
3 of the Treasury, Postal Service, and General Government
4 Appropriations Act, 1996.

5 SEC. 644. (a) IN GENERAL.—Section 202(a) of title
6 39, United States Code, is amended by striking “\$10,000
7 a year” and inserting “\$30,000 a year”.

8 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
9 fect at the beginning of the next applicable pay period be-
10 ginning after the date of the enactment of this Act.

11 SEC. 645.(a) IN GENERAL.—No later than Septem-
12 ber 30, 1997, the Director of the Office of Management
13 and Budget shall submit to the Congress a report that
14 provides—

15 (1) estimates of the total annual costs and ben-
16 efits of Federal regulatory programs, including
17 quantitative and nonquantitative measures of regu-
18 latory costs and benefits;

19 (2) estimates of the costs and benefits (includ-
20 ing quantitative and nonquantitative measures) of
21 each rule that is likely to have a gross annual effect
22 on the economy of \$100,000,000 or more in in-
23 creased costs;

24 (3) an assessment of the direct and indirect im-
25 pacts of Federal rules on the private sector, State

1 and local government, and the Federal Government;
2 and

3 (4) recommendations from the Director and a
4 description of significant public comments to reform
5 or eliminate any Federal regulatory program or pro-
6 gram element that is inefficient, ineffective, or is not
7 a sound use of the Nation's resources.

8 (b) NOTICE.—The Director shall provide public no-
9 tice and an opportunity to comment on the report under
10 subsection (a) before the report is issued in final form.

11 SEC. 646. Subsection (b) of section 404 of Public
12 Law 103–356 is amended by deleting “September 30,
13 1997” and inserting “December 31, 1999”.

14 SEC. 647. (a) Notwithstanding any other provision
15 of law, the Secretary shall, on behalf of the United States,
16 transfer to the University of Miami, without charge, title
17 to the real property and improvements that as of the date
18 of the enactment of this Act constitute the Federal facility
19 known as the Perrine Primate Center, subject to the con-
20 dition that, during the 10-year period beginning on the
21 date of the transfer—

22 (1) the University will provide for the continued
23 use of the real property and improvements as an
24 animal research facility, including primates, and
25 such use will be the exclusive use of the property

1 (with such incidental exceptions as the Secretary
2 may approve); or

3 (2) the real property and improvements will be
4 used for research-related purposes other than the
5 purpose specified in paragraph (1) (or for both of
6 such purposes), if the Secretary and the University
7 enter into an agreement accordingly.

8 (b) The conveyance under subsection (a) shall not be
9 come effective unless the conveyance specifies that, if the
10 University of Miami engages in a material breach of the
11 conditions specified in such subsection, title to the real
12 property and improvements involved reverts to the United
13 States at the election of the Secretary.

14 (c) The real property referred to in subsections (a)
15 and (b) is located in the county of Dade in the State of
16 Florida, and is a parcel consisting of the northernmost
17 30 acre-parcel of the area. The exact acreage and legal
18 description used for purposes of the transfer under sub-
19 section (a) shall be in accordance with a survey that is
20 satisfactory to the Secretary.

21 (d) For the purposes of this section—

22 (1) the term “Secretary” means the Secretary
23 of Health and Human Services; and

24 (2) the term “University of Miami” means the
25 University of Miami located in the State of Florida.

1 SEC. 648. (a) INCREASED PENALTIES FOR COUN-
 2 TERFEITING VIOLATIONS.—Sections 474 and 474A of
 3 title 18, United States Code, are amended by striking
 4 “class C felony” each place that term appears and insert-
 5 ing “class B felony”.

6 (b) CRIMINAL PENALTY FOR PRODUCTION, SALE,
 7 TRANSPORTATION, POSSESSION OF FICTITIOUS FINAN-
 8 CIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE
 9 STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE
 10 ORGANIZATIONS.—

11 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
 12 ed States Code, is amended by inserting after sec-
 13 tion 513, the following new section:

14 **“§ 514. Fictitious obligations**

15 “(a) Whoever, with the intent to defraud—

16 “(1) draws, prints, processes, produces, pub-
 17 lishes, or otherwise makes, or attempts or causes the
 18 same, within the United States;

19 “(2) passes, utters, presents, offers, brokers, is-
 20 sues, sells, or attempts or causes the same, or with
 21 like intent possesses, within the United States; or

22 “(3) utilizes interstate or foreign commerce, in-
 23 cluding the use of the mails or wire, radio, or other
 24 electronic communication, to transmit, transport,

1 ship, move, transfer, or attempts or causes the same,
2 to, from, or through the United States,
3 any false or fictitious instrument, document, or other item
4 appearing, representing, purporting, or contriving through
5 scheme or artifice, to be an actual security or other finan-
6 cial instrument issued under the authority of the United
7 States, a foreign government, a State or other political
8 subdivision of the United States, or an organization, shall
9 be guilty of a class B felony.

10 “(b) For purposes of this section, any term used in
11 this section that is defined in section 513(c) has the same
12 meaning given such term in section 513(c).

13 “(c) The United States Secret Service, in addition to
14 any other agency having such authority, shall have author-
15 ity to investigate offenses under this section.”.

16 (2) TECHNICAL AMENDMENT.—The analysis for
17 chapter 25 of title 18, United States Code, is
18 amended by inserting after the item relating to sec-
19 tion 513 the following:

“514. Fictitious obligations.”.

20 (c) PERIOD OF EFFECT.—This section and the
21 amendments made by this section shall become effective
22 on the date of enactment of this Act and shall remain in
23 effect during each fiscal year following that date of enact-
24 ment.

1 SEC. 649. None of the funds appropriated by this Act
2 may be used by an agency to provide a Federal employee's
3 home address to any labor organization except when it is
4 made known to the Federal official having authority to
5 obligate or expend such funds that the employee has au-
6 thorized such disclosure or that such disclosure has been
7 ordered by a court of competent jurisdiction.

8 SEC. 650. (a) No later than 45 days after the date
9 of the enactment of this Act, the Inspector General of each
10 Federal department or agency that uses administratively
11 uncontrollable overtime in the pay of any employee shall—

12 (1) conduct an audit on the use of administra-
13 tively uncontrollable overtime by employees of such
14 department or agency, which shall include—

15 (A) an examination of the policies, extent,
16 costs, and other relevant aspects of the use of
17 administratively uncontrollable overtime at the
18 department or agency; and

19 (B) a determination of whether the eligi-
20 bility criteria of the department or agency and
21 payment of administratively uncontrollable over-
22 time comply with Federal statutory and regu-
23 latory requirements; and

24 (2) submit a report of the findings and conclu-
25 sions of such audit to—

1 (A) the Office of Personnel Management;

2 (B) the Governmental Affairs Committee
3 of the Senate; and

4 (C) the Government Reform and Oversight
5 Committee of the House of Representatives.

6 (b) No later than 30 days after the submission of the
7 report under subsection (a), the Office of Personnel Man-
8 agement shall issue revised guidelines to all Federal de-
9 partments and agencies that—

10 (1) limit the use of administratively uncontrol-
11 lable overtime to employees meeting the statutory in-
12 tent of section 5545(c)(2) of title 5, United States
13 Code; and

14 (2) expressly prohibit the use of administra-
15 tively uncontrollable overtime for—

16 (A) customary or routine work duties; and

17 (B) work duties that are primarily admin-
18 istrative in nature, or occur in noncompelling
19 circumstances.

20 SEC. 651. Notwithstanding section 8116 of title 5,
21 United States Code, and in addition to any payment made
22 under 5 U.S.C. 8101 et seq., beginning in fiscal year 1997
23 and thereafter, the head of any department or agency is
24 authorized to pay from appropriations made available to
25 the department or agency a death gratuity to the personal

1 representative (as that term is defined by applicable law)
2 of a civilian employee of that department or agency whose
3 death resulted from an injury sustained in the line of duty
4 on or after August 2, 1990: *Provided*, That payments
5 made pursuant to this section, in combination with the
6 payments made pursuant to sections 8133(f) and 8134(a)
7 of such title 5 and section 312 of Public Law 103–332
8 (108 Stat. 2537), may not exceed a total of \$10,000 per
9 employee.

10 SEC. 653. (a) AUTHORIZATION.—

11 (1) The Secretary of the Treasury is authorized
12 to establish scientific certification standards for ex-
13 plosives detection canines, and shall provide, on a re-
14 imburseable basis, for the certification of explosives
15 detection canines employed by Federal agencies, or
16 other agencies providing explosives detection services
17 at airports in the United States.

18 (2) The Secretary of the Treasury shall estab-
19 lish an explosives detection canine training program
20 for the training of canines for explosives detection at
21 airports in the United States.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary to carry out the purposes of this section.

1 SEC. 654. NATIONAL REPOSITORY FOR INFORMA-
2 TION ON EXPLOSIVES INCIDENTS AND ARSON.—

3 (a) Section 846 of title 18, United States Code,
4 is amended by—

5 (1) designating the existing section as sub-
6 section (a); and

7 (2) by adding the following new subsection
8 (b) to read as follows:

9 “(b) The Secretary is authorized to establish a na-
10 tional repository of information on incidents involving
11 arson and the suspected criminal misuse of explosives. All
12 Federal agencies having information concerning such inci-
13 dents shall report the information to the Secretary pursu-
14 ant to such regulations as deemed necessary to carry out
15 the provisions of this subsection. The repository shall also
16 contain information on incidents voluntarily reported to
17 the Secretary by State and local authorities.”.

18 (b) There is authorized to be appropriated such
19 sums as may be necessary to carry out the provi-
20 sions of this subsection.

21 SEC. 655. Section 5(c)(1) of Public Law 102–259 (20
22 U.S.C. 5603(c)(1)) is amended—

23 (1) in subparagraph (A)(iii), by striking “and”
24 after the semicolon;

1 (2) in subparagraph (B), by striking the period
2 and inserting “; and”; and

3 (3) by adding after subparagraph (B) the fol-
4 lowing:

5 “(C) a Trustee may serve after the expiration
6 of the Trustee’s term until a successor has been cho-
7 sen.”.

8 SEC. 656. Notwithstanding any other provision of
9 law, the Secretary of the Interior, through the Bureau of
10 Indian Affairs, may directly transfer to Indian tribes in
11 North and South Dakota portable housing units at the
12 Grand Forks Air Force base in North Dakota which have
13 been declared excess by the Department of Defense and
14 requested for transfer by the Department of the Interior.

15 SEC. 657. Section 922(q) of title 18, United States
16 Code, is amended to read as follows:

17 “(q)(1) The Congress finds and declares that—

18 “(A) crime, particularly crime involving drugs
19 and guns, is a pervasive, nationwide problem;

20 “(B) crime at the local level is exacerbated by
21 the interstate movement of drugs, guns, and crimi-
22 nal gangs;

23 “(C) firearms and ammunition move easily in
24 interstate commerce and have been found in increas-
25 ing numbers in and around schools, as documented

1 in numerous hearings in both the Committee on the
2 Judiciary the House of Representatives and the
3 Committee on the Judiciary of the Senate;

4 “(D) in fact, even before the sale of a firearm,
5 the gun, its component parts, ammunition, and the
6 raw materials from which they are made have con-
7 siderably moved in interstate commerce;

8 “(E) while criminals freely move from State to
9 State, ordinary citizens and foreign visitors may fear
10 to travel to or through certain parts of the country
11 due to concern about violent crime and gun violence,
12 and parents may decline to send their children to
13 school for the same reason;

14 “(F) the occurrence of violent crime in school
15 zones has resulted in a decline in the quality of edu-
16 cation in our country;

17 “(G) this decline in the quality of education has
18 an adverse impact on interstate commerce and the
19 foreign commerce of the United States;

20 “(H) States, localities, and school systems find
21 it almost impossible to handle gun-related crime by
22 themselves—even States, localities, and school sys-
23 tems that have made strong efforts to prevent, de-
24 tect, and punish gun-related crime find their efforts
25 unavailing due in part to the failure or inability of

1 other States or localities to take strong measures;
2 and

3 “(I) the Congress has the power, under the
4 interstate commerce clause and other provisions of
5 the Constitution, to enact measures to ensure the in-
6 tegrity and safety of the Nation’s schools by enact-
7 ment of this subsection.

8 “(2)(A) It shall be unlawful for any individual know-
9 ingly to possess a firearm that has moved in or that other-
10 wise affects interstate or foreign commerce at a place that
11 the individual knows, or has reasonable cause to believe,
12 is a school zone.

13 “(B) Subparagraph (A) does not apply to the posses-
14 sion of a firearm—

15 “(i) on private property not part of school
16 grounds;

17 “(ii) if the individual possessing the firearm is
18 licensed to do so by the State in which the school
19 zone is located or a political subdivision of the State,
20 and the law of the State or political subdivision re-
21 quires that, before an individual obtains such a li-
22 cense, the law enforcement authorities of the State
23 or political subdivision verify that the individual is
24 qualified under law to receive the license;

25 “(iii) that is—

1 “(I) not loaded; and

2 “(II) in a locked container, or a locked
3 firearms rack that is on a motor vehicle;

4 “(iv) by an individual for use in a program ap-
5 proved by a school in the school zone;

6 “(v) by an individual in accordance with a con-
7 tract entered into between a school in the school
8 zone and the individual or an employer of the indi-
9 vidual;

10 “(vi) by a law enforcement officer acting in his
11 or her official capacity; or

12 “(vii) that is unloaded and is possessed by an
13 individual while traversing school premises for the
14 purpose of gaining access to public or private lands
15 open to hunting, if the entry on school premises is
16 authorized by school authorities.

17 “(3)(A) Except as provided in subparagraph (B), it
18 shall be unlawful for any person, knowingly or with reck-
19 less disregard for the safety of another, to discharge or
20 attempt to discharge a firearm that has moved in or that
21 otherwise affects interstate or foreign commerce at a place
22 that the person knows is a school zone.

23 “(B) Subparagraph (A) does not apply to the dis-
24 charge of a firearm—

1 “(i) on private property not part of school
2 grounds;

3 “(ii) as part of a program approved by a school
4 in the school zone, by an individual who is partici-
5 pating in the program;

6 “(iii) by an individual in accordance with a con-
7 tract entered into between a school in a school zone
8 and the individual or an employer of the individual;
9 or

10 “(iv) by a law enforcement officer acting in his
11 or her official capacity.

12 “(4) Nothing in this subsection shall be construed as
13 preempting or preventing a State or local government
14 from enacting a statute establishing gun free school zones
15 as provided in this subsection.”.

16 SEC. 658. (a) DEFINITIONS.—Section 921(a) of title
17 18, United States Code, is amended by adding at the end
18 the following new paragraph:

19 “(33) The term ‘crime involving domestic vio-
20 lence’ means a felony or misdemeanor crime of vio-
21 lence, regardless of length, term, or manner of pun-
22 ishment, committed by a current or former spouse,
23 parent, or guardian of the victim, by a person with
24 whom the victim shares a child in common, by a per-
25 son who is cohabiting with or has cohabited with the

1 victim as a spouse, parent, or guardian, or by a per-
2 son similarly situated to a spouse, parent, or guard-
3 ian of the victim under the domestic or family vio-
4 lence laws of the jurisdiction in which such felony
5 or misdemeanor was committed.”.

6 (b) UNLAWFUL ACTS.—Section 922 of title 18,
7 United States Code, is amended—

8 (1) in subsection (d)—

9 (A) by striking “or” at the end of para-
10 graph (7);

11 (B) by striking the period at the end of
12 paragraph (8) and inserting “; or”; and

13 (C) by inserting after paragraph (8) the
14 following new paragraph:

15 “(9) has been convicted in any court of any
16 crime involving domestic violence, if the individual
17 has been represented by counsel or knowingly and
18 intelligently waived the right to counsel.”;

19 (2) in subsection (g)—

20 (A) by striking “or” at the end of para-
21 graph (7);

22 (B) in paragraph (8), by striking the
23 comma and inserting “; or”; and

24 (C) by inserting after paragraph (8) the
25 following new paragraph:

1 “(9) has been convicted in any court of any
2 crime involving domestic violence, if the individual
3 has been represented by counsel or knowingly and
4 intelligently waived the right to counsel,”; and

5 (3) in subsection (s)(3)(B)(i), by inserting be-
6 fore the semicolon the following: “and has not been
7 convicted in any court of any crime involving domes-
8 tic violence, if the individual has been represented by
9 counsel or knowingly and intelligently waived the
10 right to counsel”.

11 (c) RULES AND REGULATIONS.—Section 926(a) of
12 title 18, United States Code, is amended—

13 (1) by striking “and” at the end of paragraph
14 (2);

15 (2) by striking the period at the end of para-
16 graph (3) and inserting “; and”; and

17 (3) by inserting after paragraph (3) the follow-
18 ing new paragraph:

19 “(4) regulations providing for the effective re-
20 ceipt and secure storage of firearms relinquished by
21 or seized from persons described in subsection (d)(9)
22 or (g)(9) of section 922.”.

1 **SEC. 659. THRIFT SAVINGS PLAN.**

2 TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE
3 THRIFT SAVINGS PLAN

4 SEC. 101. SHORT TITLE

5 This title may be cited as the “Thrift Savings Invest-
6 ment Funds Act of 1996”.

7 SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE
8 THRIFT SAVINGS PLAN

9 Section 8438 of title 5, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) by redesignating paragraphs (5)
13 through (8) as paragraphs (6) through (9), re-
14 spectively;

15 (B) by inserting after paragraph (4) the
16 following new paragraph:

17 “(5) the term ‘International Stock Index Invest-
18 ment Fund’ means the International Stock Index In-
19 vestment Fund established under subsection
20 (b)(1)(E);”;

21 (C) in paragraph (8) (as redesignated by
22 subparagraph (A) of this paragraph) by strik-
23 ing out “and” at the end thereof;

24 (D) in paragraph (9) (as redesignated by
25 subparagraph (A) of this paragraph)—

1 (i) by striking out “paragraph
2 (7)(D)” in each place it appears and in-
3 serting in each such place “paragraph
4 (8)(D)”; and

5 (ii) by striking out the period and in-
6 serting in lieu thereof a semicolon and
7 “and”; and

8 (E) by adding at the end thereof the fol-
9 lowing new paragraph:

10 “(10) the term ‘Small Capitalization Stock
11 Index Investment Fund’ means the Small Capitaliza-
12 tion Stock Index Investment Fund established under
13 subsection (b)(1)(D).”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (B) by striking
17 out “and” at the end thereof;

18 (ii) in subparagraph (C) by striking
19 out the period and inserting in lieu thereof
20 a semicolon; and

21 (iii) by adding at the end thereof the
22 following new subparagraphs:

23 “(D) a Small Capitalization Stock Index
24 Investment Fund as provided in paragraph (3);
25 and

1 “(E) an International Stock Index Invest-
2 ment Fund as provided in paragraph (4).”; and

3 (B) by adding at the end thereof the fol-
4 lowing new paragraphs:

5 “(3)(A) The Board shall select an index which
6 is a commonly recognized index comprised of com-
7 mon stock the aggregate market value of which rep-
8 resents the United States equity markets excluding
9 the common stocks included in the Common Stock
10 Index Investment Fund.

11 “(B) The Small Capitalization Stock Index In-
12 vestment Fund shall be invested in a portfolio de-
13 signed to replicate the performance of the index in
14 subparagraph (A). The portfolio shall be designed
15 such that, to the extent practicable, the percentage
16 of the Small Capitalization Stock Index Investment
17 Fund that is invested in each stock is the same as
18 the percentage determined by dividing the aggregate
19 market value of all shares of that stock by the ag-
20 gregate market value of all shares of all stocks in-
21 cluded in such index.

22 “(4)(A) The Board shall select an index which
23 is a commonly recognized index comprised of stock
24 the aggregate market value of which is a reasonably

1 complete representation of the international equity
2 markets excluding the United States equity markets.

3 “(B) The International Stock Index Investment
4 Fund shall be invested in a portfolio designed to rep-
5 licate the performance of the index in subparagraph
6 (A). The portfolio shall be designed such that, to the
7 extent practicable, the percentage of the Inter-
8 national Stock Index Investment Fund that is in-
9 vested in each stock is the same as the percentage
10 determined by dividing the aggregate market value
11 of all shares of that stock by the aggregate market
12 value of all shares of all stocks included in such
13 index.”.

14 SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK

15 Section 8439(d) of title 5, United States Code, is
16 amended by striking out “Each employee, Member, former
17 employee, or former Member who elects to invest in the
18 Common Stock Index Investment Fund or the Fixed In-
19 come Investment Fund described in paragraphs (1) and
20 (3),” and inserting in lieu thereof “Each employee, Mem-
21 ber, former employee, or former Member who elects to in-
22 vest in the Common Stock Index Investment Fund, the
23 Fixed Income Investment Fund, the International Stock
24 Index Investment Fund, or the Small Capitalization Stock
25 Index Investment Fund, defined in paragraphs (1), (3),
26 (5), and (10),”.

1 (iii) by inserting “and (h)” after
2 “8433(g)”;

3 (iv) by striking out “the election,
4 change of election, or modification” and in-
5 serting in lieu thereof “the election or
6 change of election”; and

7 (v) by inserting “or withdrawal” after
8 “for such loan”; and

9 (B) in subparagraph (D)—

10 (i) by inserting “or withdrawals” after
11 “of loans”; and

12 (ii) by inserting “or (h)” after
13 “8433(g)”;

14 (2) in paragraph (6)—

15 (A) by striking out “\$3,500 or less” and
16 inserting in lieu thereof “less than an amount
17 that the Executive Director prescribes by regu-
18 lation”; and

19 (B) by striking out “unless the employee
20 or Member elects, at such time and otherwise in
21 such manner as the Executive Director pre-
22 scribes, one of the options available under sub-
23 section (b)”.

1 SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL
2 ELECTIONS, FEDERAL EMPLOYEES RETIREMENT
3 SYSTEM PARTICIPANTS

4 (a) IN GENERAL.—Section 8433 of title 5, United
5 States Code, is amended—

6 (1) by striking out subsections (b) and (c) and
7 inserting in lieu thereof the following:

8 “(b) Subject to section 8435 of this title, any em-
9 ployee or Member who separates from Government em-
10 ployment is entitled and may elect to withdraw from the
11 Thrift Savings Fund the balance of the employee’s or
12 Member’s account as—

13 “(1) an annuity;

14 “(2) a single payment;

15 “(3) 2 or more substantially equal payments to
16 be made not less frequently than annually; or

17 “(4) any combination of payments as provided
18 under paragraphs (1) through (3) as the Executive
19 Director may prescribe by regulation.

20 “(c)(1) In addition to the right provided under sub-
21 section (b) to withdraw the balance of the account, an em-
22 ployee or Member who separates from Government service
23 and who has not made a withdrawal under subsection
24 (h)(1)(A) may make one withdrawal of any amount as a

1 single payment in accordance with subsection (b)(2) from
2 the employee's or Member's account.

3 “(2) An employee or Member may request that the
4 amount withdrawn from the Thrift Savings Fund in ac-
5 cordance with subsection (b)(2) be transferred to an eligi-
6 ble retirement plan.

7 “(3) The Executive Director shall make each transfer
8 elected under paragraph (2) directly to an eligible retire-
9 ment plan or plans (as defined in section 402(c)(8) of the
10 Internal Revenue Code of 1986) identified by the em-
11 ployee, Member, former employee, or former Member for
12 whom the transfer is made.

13 “(4) A transfer may not be made for an employee,
14 Member, former employee, or former Member under para-
15 graph (2) until the Executive Director receives from that
16 individual the information required by the Executive Di-
17 rector specifically to identify the eligible retirement plan
18 or plans to which the transfer is to be made.”;

19 (2) in subsection (d)—

20 (A) in paragraph (1) by striking out “Sub-
21 ject to paragraph (3)(A)” and inserting in lieu
22 thereof “Subject to paragraph (3)”;

23 (B) by striking out paragraph (2) and re-
24 designating paragraph (3) as paragraph (2);
25 and

1 (C) in paragraph (2) (as redesignated
2 under subparagraph (B) of this paragraph)—

3 (i) in subparagraph (A) by striking
4 out “(A)”; and

5 (ii) by striking out subparagraph (B);
6 (3) in subsection (f)(1)—

7 (A) by striking out “\$3,500 or less” and
8 inserting in lieu thereof “less than an amount
9 that the Executive Director prescribes by regu-
10 lation; and

11 (B) by striking out “unless the employee
12 or Member elects, at such time and otherwise in
13 such manner as the Executive Director pre-
14 scribes, one of the options available under sub-
15 section (b), or” and inserting a comma;

16 (4) in subsection (f)(2)—

17 (A) by striking out “February 1” and in-
18 sserting in lieu thereof “April 1”;

19 (B) in subparagraph (A)—

20 (i) by striking out “65” and inserting
21 in lieu thereof “70½”; and

22 (ii) by inserting “or” after the semi-
23 colon;

24 (C) by striking out subparagraph (B); and

1 (D) by redesignating subparagraph (C) as
2 subparagraph (B);
3 (5) in subsection (g)—

4 (A) in paragraph (1) by striking out “after
5 December 31, 1987, and”, and by adding at the
6 end of the paragraph the following sentence:
7 “Before a loan is issued, the Executive Director
8 shall provide in writing the employee or Mem-
9 ber with appropriate information concerning the
10 cost of the loan relative to other sources of fi-
11 nancing, as well as the lifetime cost of the loan,
12 including the difference in interest rates be-
13 tween the funds offered by the Thrift Savings
14 Fund, and any other effect of such loan on the
15 employee’s or Member’s final account balance.”;
16 and

17 (B) by striking out paragraph (2) and re-
18 designating paragraphs (3) through (5) as
19 paragraphs (2) through (4), respectively; and

20 (6) by adding after subsection (g) the following
21 new subsection:

22 “(h)(1) An employee or Member may apply, before
23 separation, to the Board for permission to withdraw an
24 amount from the employee’s or Member’s account based
25 upon—

1 “(A) the employee or Member having attained
2 age 59½; or

3 “(B) financial hardship.

4 “(2) A withdrawal under paragraph (1)(A) shall be
5 available to each eligible participant one time only.

6 “(3) A withdrawal under paragraph (1)(B) shall be
7 available only for an amount not exceeding the value of
8 that portion of such account which is attributable to con-
9 tributions made by the employee or Member under section
10 8432(a) of this title.

11 “(4) Withdrawals under paragraph (1) shall be sub-
12 ject to such other conditions as the Executive Director
13 may prescribe by regulation.

14 “(5) A withdrawal may not be made under this sub-
15 section unless the requirements of section 8435(e) of this
16 title are satisfied.”.

17 (b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—
18 Any election made under section 8433(b)(2) of title 5,
19 United States Code (as in effect before the effective date
20 of this title), with respect to an annuity which has not
21 commenced before the implementation date of this title as
22 provided by regulation by the Executive Director in ac-
23 cordance with section 207 of this title, shall be invalid.

1 SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES;
2 NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYS-
3 TEM SPOUSES FOR IN-SERVICE WITHDRAWALS

4 Section 8435 of title 5, United States Code, is
5 amended—

6 (1) in subsection (a)(1)(A)—

7 (A) by striking out “may make an election
8 under subsection (b)(3) or (b)(4) of section
9 8433 of this title or change an election pre-
10 viously made under subsection (b)(1) or (b)(2)
11 of such section” and inserting in lieu thereof
12 “may withdraw all or part of a Thrift Savings
13 Fund account under subsection (b) (2), (3), or
14 (4) of section 8433 of this title or change a
15 withdrawal election”; and

16 (B) by adding at the end thereof “A mar-
17 ried employee or Member (or former employee
18 or Member) may make a withdrawal from a
19 Thrift Savings Fund account under subsection
20 (c)(1) of section 8433 of this title only if the
21 employee or Member (or former employee or
22 Member) satisfies the requirements of subpara-
23 graph (B).”;

24 (2) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) by striking out “An election,
2 change of election, or modification of the
3 commencement date of a deferred annuity”
4 and inserting in lieu thereof “An election
5 or change of election”; and

6 (ii) by striking out “modification, or
7 transfer” and inserting in lieu thereof “or
8 transfer”; and

9 (B) in paragraph (2) in the matter follow-
10 ing subparagraph (B)(ii) by striking out “modi-
11 fication,”;

12 (3) in subsection (e)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)—

15 (I) by inserting “or withdrawal”
16 after “A loan”;

17 (II) by inserting “and (h)” after
18 “8433(g)”; and

19 (III) by inserting “or with-
20 drawal” after “such loan”;

21 (ii) in subparagraph (B) by inserting
22 “or withdrawal” after “loan”; and

23 (iii) in subparagraph (C)—

24 (I) by inserting “or withdrawal”
25 after “to a loan”; and

- 1 (II) by inserting “or withdrawal”
 2 after “for such loan”; and
 3 (B) in paragraph (2)—
 4 (i) by inserting “or withdrawal” after
 5 “loan”; and
 6 (ii) by inserting “and (h)” after
 7 “8344(g)”; and
 8 (4) in subsection (g)—
 9 (A) by inserting “or withdrawals” after
 10 “loans”; and
 11 (B) by inserting “and (h)” after
 12 “8344(g)”.

13 SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE
 14 JUDICIARY

- 15 (a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of
 16 title 5, United States Code, is amended—
 17 (1) by striking out “\$3,500 or less” and insert-
 18 ing in lieu thereof “less than an amount that the
 19 Executive Director prescribes by regulation”; and
 20 (2) by striking out “unless the justice or judge
 21 elects, at such time and otherwise in such manner
 22 as the Executive Director prescribes, one of the op-
 23 tions available under section 8433(b)”.
- 24 (b) BANKRUPTCY JUDGES AND MAGISTRATES.—Sec-
 25 tion 8440b(b) of title 5, United States Code, is amended—

1 (1) in paragraph (7) in the first sentence by in-
2 sserting “of the distribution” after “equal to the
3 amount”; and

4 (2) in paragraph (8)—

5 (A) by striking out “\$3,500 or less” and
6 inserting in lieu thereof “less than an amount
7 that the Executive Director prescribes by regu-
8 lation”; and

9 (B) by striking out “unless the bankruptcy
10 judge or magistrate elects, at such time and
11 otherwise in such manner as the Executive Di-
12 rector prescribes, one of the options available
13 under subsection (b)”.

14 (c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of
15 title 5, United States Code, is amended—

16 (1) in paragraph (7) in the first sentence by in-
17 sserting “of the distribution” after “equal to the
18 amount”; and

19 (2) in paragraph (8)—

20 (A) by striking out “\$3,500 or less” and
21 inserting in lieu thereof “less than an amount
22 that the Executive Director prescribes by regu-
23 lation”; and

24 (B) by striking out “unless the judge
25 elects, at such time and otherwise in such man-

1 ner as the Executive Director prescribes, one of
2 the options available under section 8433(b)”.

3 SEC. 206. DEFINITION OF BASIC PAY

4 (a) IN GENERAL.—(1) Section 8401(4) of title 5,
5 United States Code, is amended by striking out “except
6 as provided in subchapter III of this chapter,”.

7 (2) Section 8431 of title 5, United States Code, is
8 repealed.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) The table of sections for chapter 84 of title 5, United
11 States Code, is amended by striking out the item relating
12 to section 8431.

13 (2) Section 5545a(h)(2)(A) of title 5, United States
14 Code, is amended by striking out “8431,”.

15 (3) Section 615(f) of the Treasury, Postal Service,
16 and General Government Appropriations Act, 1996 (Pub-
17 lic Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is
18 amended by striking out “section 8431 of title 5, United
19 States Code,”.

20 SEC. 207. EFFECTIVE DATE

21 This title shall take effect on the date of the enact-
22 ment of this Act and withdrawals and elections as pro-
23 vided under the amendments made by this title shall be
24 made at the earliest practicable date as determined by the
25 Executive Director in regulations.

1 SEC. 632. (a) The United States Courthouse under
2 construction at 1030 Southwest 3d Avenue in Portland,
3 Oregon, shall be known and designated as the “Mark O.
4 Hatfield United States Courthouse”.

5 (b) Any reference in a law, map, regulation, docu-
6 ment, paper, or other record of the United States to the
7 courthouse referred to in section 901 shall be deemed to
8 be a reference to the “Mark O. Hatfield United States
9 Courthouse”.

10 (c) This section shall take effect on January 2, 1997.

11 SEC. 660. Notwithstanding Section 613, interagency
12 financing is authorized to carry out the purposes of the
13 National Bioethics Advisory Commission.

14 SEC. 661. (a) DESIGNATION.—The United States
15 courthouse to be constructed at a site on 18th Street be-
16 tween Dodge and Douglas Streets in Omaha, Nebraska,
17 shall be know and designated as the “Roman L. Hruska
18 United States Courthouse”.

19 (b) REFERENCES.—Any reference in a law, map, reg-
20 ulation, document, paper, or other record of the United
21 States to the United States courthouse referred to in sec-
22 tion 1 shall be deemed to be a reference to the “Roman
23 L. Hruska United States Courthouse”.

1 TITLE VII—COUNTER-TERRORISM AND DRUG

2 LAW ENFORCEMENT

3 DEPARTMENT OF THE TREASURY

4 DEPARTMENTAL OFFICES

5 SALARIES AND EXPENSES

6 For an additional amount for the necessary expenses
7 of the Office of Foreign Assets Control, \$288,000: *Pro-*
8 *vided*, That of the amount provided, \$288,000 is des-
9 ignated by Congress as an emergency requirement pursu-
10 ant to section 251(b)(2)(D)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985, as amended.

12 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

13 SALARIES AND EXPENSES

14 For an additional amount for the necessary expenses
15 of the Bureau of Alcohol, Tobacco and Firearms,
16 \$37,550,000; of which \$3,500,000 shall be available for
17 the construction and expansion of a canine training facil-
18 ity, to remain available until expended; of which
19 \$3,000,000 shall be available for conducting a study of
20 car bomb explosives, to remain available until expended:
21 *Provided*, That of the amount provided, \$37,550,000 is
22 designated by Congress as an emergency requirement pur-
23 suant to section 251(b)(2)(D)(i) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985, as amended.

1 UNITED STATES CUSTOMS SERVICE
2 SALARIES AND EXPENSES

3 For an additional amount for the necessary expenses
4 of the United States Customs Service, \$40,000,000; of
5 which not to exceed \$26,400,000 shall be available until
6 expended for funding non-competitive cooperative agree-
7 ments with air carriers, airports, or other cargo authori-
8 ties, which provide for the Customs Service to purchase
9 and assist in installing advanced air cargo inspection
10 equipment for the joint use of such entities and the United
11 States Customs Service: *Provided*, That of the amount
12 provided, \$40,000,000 is designated by Congress as an
13 emergency requirement pursuant to section
14 251(b)(2)(D)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended.

16 FUNDS APPROPRIATED TO THE PRESIDENT
17 FEDERAL DRUG CONTROL PROGRAMS
18 SPECIAL FORFEITURE FUND
19 (INCLUDING TRANSFER OF FUNDS)

20 For activities authorized by Public Law 100–690, as
21 amended, \$82,000,000, of which \$42,000,000 shall be
22 transferred to the United States Customs Service for the
23 purchase and restoration of aircraft for the air interdiction
24 program; of which \$10,000,000 shall be available for
25 transfer to other Federal agencies for methamphetamine
26 reduction efforts; and of which \$30,000,000 shall be avail-

1 able to the Director of the Office of National Drug Control
2 Policy for enhancing other drug control activities, includ-
3 ing transfer to other Federal agencies: *Provided*, That of
4 the amount provided, \$82,000,000 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 to become avail-
8 able only upon receipt by the Congress of a supplemental
9 request from the President requesting such designation.

10 This Act may be cited as the “Treasury, Postal Serv-
11 ice, and General Government Appropriations Act, 1997”.

12 (g) For additional amounts in fiscal year 1996 for
13 programs, projects, or activities relating to force protec-
14 tion, anti-terrorism, and security enhancement activities,
15 provided as follows:

16 DEPARTMENT OF DEFENSE

17 MANAGEMENT FUNDS

18 EMERGENCY RESPONSE FUND

19 (INCLUDING RESCISSIONS OF FUNDS)

20 For an additional amount for the “Emergency Re-
21 sponse Fund”, \$130,000,000: *Provided*, That these funds
22 may be used to reimburse other appropriations of the De-
23 partment of Defense for expenses incurred by the Depart-
24 ment of Defense in connection with force protection ac-
25 tions in Southwest Asia: *Provided further*, That these
26 funds may be used to liquidate obligations incurred by the

1 Department of Defense during fiscal year 1996 for costs
2 incurred under the authority of the Feed and Forage Act
3 (41 U.S.C., subsection 11): *Provided further*, That the en-
4 tire amount under this heading is designated by Congress
5 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: *Provided further*,
8 That of the funds provided in Department of Defense Ap-
9 propriations Acts, the following funds are hereby re-
10 scinded, as of the date of enactment of this Act, from the
11 following accounts in the specified amounts:

12 “Procurement of Ammunition, Army, 1994/
13 1996”, \$1,000,000;

14 “Other Procurement, Army, 1994/1996”,
15 \$6,000,000;

16 “Research, Development, Test and Evaluation,
17 Army, 1995/1996”, \$2,606,000;

18 “Aircraft Procurement, Navy, 1994/1996”,
19 \$11,003,000;

20 “Weapons Procurement, Navy, 1994/1996”,
21 \$11,141,000;

22 “Other Procurement, Navy, 1994/1996”,
23 \$4,000,000;

24 “Research, Development, Test and Evaluation,
25 Navy, 1995/1996”, \$7,421,000;

1 “Aircraft Procurement, Air Force, 1994/1996”,
2 \$20,050,000;

3 “Missile Procurement, Air Force, 1994/1996”,
4 \$11,002,000;

5 “Other Procurement, Air Force, 1994/1996”,
6 \$14,769,000;

7 “Research, Development, Test and Evaluation,
8 Air Force, 1995/1996”, \$6,237,000;

9 “Procurement, Defense-Wide, 1994/1996”,
10 \$10,210,000; and

11 “Research, Development, Test and Evaluation,
12 Defense-Wide, 1995/1996”, \$24,561,000.

13 MILITARY PERSONNEL

14 MILITARY PERSONNEL, ARMY

15 For an additional amount for “Military Personnel,
16 Army”, \$4,800,000: *Provided*, That of the amount pro-
17 vided, \$4,800,000 is 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.

21 MILITARY PERSONNEL, AIR FORCE

22 For an additional amount for “Military Personnel,
23 Air Force”, \$4,000,000: *Provided*, That of the amount
24 provided, \$4,000,000 is designated by Congress as an
25 emergency requirement pursuant to section

1 251(b)(2)(D)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985, as amended.

3 OPERATION AND MAINTENANCE

4 OPERATION AND MAINTENANCE, ARMY

5 For an additional amount for “Operation and Main-
6 tenance, Army”, \$36,449,000, to remain available until
7 September 30, 1997: *Provided*, That of the amount pro-
8 vided, \$36,449,000 is designated by Congress as an emer-
9 gency requirement pursuant to section 251(b)(2)(D)(i) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985, as amended.

12 OPERATION AND MAINTENANCE, NAVY

13 For an additional amount for “Operation and Main-
14 tenance, Navy”, \$23,956,000, to remain available until
15 September 30, 1997: *Provided*, That of the amount pro-
16 vided, \$23,956,000 is designated by Congress as an emer-
17 gency requirement pursuant to section 251(b)(2)(D)(i) of
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985, as amended.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$600,000, to remain available
23 until September 30, 1997: *Provided*, That of the amount
24 provided, \$600,000 is designated by Congress as an emer-
25 gency requirement pursuant to section 251(b)(2)(D)(i) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985, as amended.

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force”, \$78,150,000, to remain available
6 until September 30, 1997: *Provided*, That of the amount
7 provided, \$78,150,000 is designated by Congress as an
8 emergency requirement pursuant to section
9 251(b)(2)(D)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-
13 tenance, Defense-Wide”, \$29,534,000, to remain available
14 until September 30, 1997: *Provided*, That of the amount
15 provided, \$29,534,000 is designated by Congress as an
16 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 OPERATION AND MAINTENANCE, NAVY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Navy Reserve”, \$517,000, to remain available
22 until September 30, 1997: *Provided*, That of the amount
23 provided, \$517,000 is designated by Congress as an emer-
24 gency requirement pursuant to section 251(b)(2)(D)(i) of

1 Balanced Budget and Emergency Deficit Control Act of
2 1985, as amended.

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION
5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 DEFENSE-WIDE

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Defense-Wide”, \$8,000,000,
9 to remain available until September 30, 1997: *Provided*,
10 That of the amount provided, \$8,000,000 is designated
11 by Congress as an emergency requirement pursuant to
12 section 251(b)(2)(D)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended.

14 GENERAL PROVISIONS

15 Funds appropriated in this subsection, or made avail-
16 able by transfer of such funds, for programs or activities
17 of the Central Intelligence Agency shall remain available
18 until September 30, 1997: *Provided*, That funds appro-
19 priated in this subsection, or made available by transfer
20 of such funds, to any intelligence agency or activity of the
21 United States Government shall be deemed to be specifi-
22 cally authorized by the Congress for purposes of section
23 504 of the National Security Act of 1947 (50 U.S.C. 414).

24 Funds appropriated in this subsection may be used
25 to liquidate obligations incurred by the Department of De-

1 fense during fiscal year 1996 for costs incurred under the
2 authority of the Feed and Forage Act (41 U.S.C., sub-
3 section 11).

4 (h) For additional amounts in fiscal year 1996 for
5 programs, projects, or activities relating to emergency
6 supplemental costs arising from Hurricanes Fran and
7 Hortense and other disasters, provided as follows:

8 DEPARTMENT OF AGRICULTURE

9 NATURAL RESOURCES CONSERVATION SERVICE

10 WATERSHED AND FLOOD PREVENTION OPERATIONS

11 For an additional amount to repair damages to the
12 waterways and watersheds resulting from the effects of
13 Hurricanes Fran and Hortense and other disasters,
14 \$65,000,000, to remain available until expended: *Pro-*
15 *vided*, That the entire amount is designated by Congress
16 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 FARM SERVICE AGENCY

20 EMERGENCY CONSERVATION PROGRAM

21 For an additional amount for emergency expenses re-
22 sulting from the effects of Hurricanes Fran and Hortense
23 and other disasters, \$30,000,000, to remain available until
24 expended: *Provided*, That the entire amount is designated
25 by Congress as an emergency requirement pursuant to

1 section 251(b)(2)(D)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985, as amended.

3 RURAL HOUSING SERVICE

4 VERY LOW-INCOME HOUSING REPAIR GRANTS

5 For an additional amount for “Very Low-Income
6 Housing Repair Grants” to make housing repairs under
7 section 504 of the Housing Act of 1949 required by dam-
8 ages resulting from Hurricane Fran and other natural dis-
9 asters of 1996, \$10,000,000, to remain available until ex-
10 pended.

11 RURAL UTILITIES SERVICE

12 RURAL UTILITIES ASSISTANCE PROGRAM

13 For an additional amount for the “Rural Utilities As-
14 sistance Program” for emergency community water assist-
15 ance grants as authorized by section 306A of the Consoli-
16 dated Farm and Rural Development Act (7 U.S.C.
17 1926a), to assist in the recovery from Hurricane Fran and
18 other natural disasters of 1996, \$5,000,000, to remain
19 available until expended.

20 FARM SERVICE AGENCY

21 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

22 ACCOUNT

23 (INCLUDING TRANSFERS OF FUNDS)

24 For additional gross obligations for the principal
25 amount of direct and guaranteed loans as authorized by
26 sections 308 and 309 of the Farm and Rural Development

1 Act (7 U.S.C. 1928 and 1929), to be available from funds
 2 in the Agricultural Credit Insurance Fund, as follows:
 3 farm ownership loans, \$100,000,000 for subsidized guar-
 4 anteed loans; and operating loans, \$66,000,000 for sub-
 5 sidized guaranteed loans.

6 For the cost of direct and guaranteed loans, including
 7 the cost of modifying loans as defined in section 502 of
 8 the Congressional Budget Act of 1974, as follows: farm
 9 ownership loans, \$16,700,000 for subsidized guaranteed
 10 loans; and operating loans, \$6,200,000, for subsidized
 11 guaranteed loans.

12 DEPARTMENT OF COMMERCE

13 ECONOMIC DEVELOPMENT ADMINISTRATION

14 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

15 For an additional amount for “Economic Develop-
 16 ment Assistance Programs” for emergency infrastructure
 17 expenses resulting from Hurricane Fran and Hurricane
 18 Hortense, \$75,000,000, to remain available until ex-
 19 pended: *Provided*, That the entire amount of this appro-
 20 priation shall be available only to the extent an official
 21 budget request for a specific dollar amount, that includes
 22 designation of the entire amount of the request as an
 23 emergency requirement as defined in the Balanced Budget
 24 and Emergency Deficit Control Act of 1985, as amended,
 25 is transmitted by the President to Congress: *Provided fur-*

1 *ther*, That the entire amount is designated by Congress
 2 as an emergency requirement pursuant to section
 3 251(b)(2)(D)(i) of such Act.

4 RELATED AGENCY

5 SMALL BUSINESS ADMINISTRATION

6 DISASTER LOANS PROGRAM ACCOUNT

7 For an additional amount for “Disaster Loans Pro-
 8 gram Account” for emergency expenses resulting from
 9 Hurricane Fran and other natural disasters of 1996,
 10 \$180,000,000 for the cost of direct loans and \$20,000,000
 11 for administrative expenses to carry out the disaster loan
 12 program, to remain available until expended: *Provided*,
 13 That this amount is hereby designated by Congress as
 14 emergency requirements pursuant to section
 15 251(b)(2)(D)(i) of the Balanced Budget and Emergency
 16 Deficit Control Act of 1985, as amended.

17 DEPARTMENT OF DEFENSE—CIVIL

18 DEPARTMENT OF THE ARMY

19 CORPS OF ENGINEERS—CIVIL

20 OPERATION AND MAINTENANCE, GENERAL

21 For an additional amount for emergency expenses to
 22 repair damages resulting from Hurricane Fran and other
 23 disasters, \$175,000,000, to remain available until ex-
 24 pended: *Provided*, That such amount is designated by Con-
 25 gress as an emergency requirement pursuant to section

1 251(b)(2)(D)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985, as amended.

3 FLOOD CONTROL AND COASTAL EMERGENCIES

4 For an additional amount for “Flood Control and
5 Coastal Emergencies” for emergency expenses resulting
6 from Hurricane Fran and other natural disasters of 1996,
7 \$15,000,000, to remain available until expended.

8 EMERGENCY BEACH RESTORATION

9 The Secretary of the Army shall perform emergency
10 restoration of the beaches and dunes on Topsail Island
11 and Kure Beach, North Carolina, to restore the beaches
12 and dunes to their condition as of September 1, 1996.

13 DEPARTMENT OF HOUSING AND URBAN
14 DEVELOPMENT

15 HOUSING PROGRAMS

16 FLEXIBLE SUBSIDY FUND

17 For emergency assistance to owners of eligible multi-
18 family housing projects damaged by Hurricanes Fran and
19 Hortense that are either insured or formerly insured
20 under the National Housing Act, as amended, or otherwise
21 eligible for assistance under section 201(c) of the Housing
22 and Community Development Amendments of 1978, as
23 amended (12 U.S.C. 171z–1a), in the program of assist-
24 ance for troubled multifamily housing projects under the
25 Housing and Community Development Amendments of
26 1978, as amended, \$10,000,000, to remain available until

1 September 10, 1997: *Provided*, That assistance to an
2 owner of a multifamily housing project assisted, but not
3 insured under the National Housing Act, may be made
4 if the project owner and the mortgagee have provided or
5 agreed to provide assistance to the project in a manner
6 as determined by the Secretary of Housing and Urban De-
7 velopment: *Provided further*, That assistance is for the re-
8 pair of damage or the recovery of losses directly attrib-
9 utable to such hurricane: *Provided further*, That in admin-
10 istering these funds, the Secretary may waive, or specify
11 alternative requirements for, any provision of any statute
12 or regulation that the Secretary administers in connection
13 with the obligation by the Secretary or any use by the
14 recipient of these funds, except for statutory requirements
15 relating to civil rights, fair housing and nondiscrimination,
16 the environment, and labor standards, upon finding that
17 such waiver is required to facilitate the obligation and use
18 of such funds, and would not be inconsistent with the over-
19 all purpose of the statute or regulation: *Provided further*,
20 That after assisting economically viable FHA insured
21 projects, to the extent funds remain available the Sec-
22 retary may provide assistance to economically viable
23 projects assisted under section 8 of the United States
24 Housing Act of 1937 but not insured under the National
25 Housing Act: *Provided further*, That the entire amount

1 shall be available only to the extent that an official budget
2 request for a specific dollar amount, that includes designa-
3 tion of the entire amount of the request as an emergency
4 requirement as defined in the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, as amended, is trans-
6 mitted by the President to Congress: *Provided further,*
7 That the entire amount is designated by Congress as an
8 emergency requirement pursuant to section
9 251(b)(2)(D)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended.

11 COMMUNITY PLANNING AND DEVELOPMENT

12 COMMUNITY DEVELOPMENT GRANTS

13 For an additional amount for “Community Develop-
14 ment Grants,” \$100,000,000 to remain available until
15 September 30, 1999, for emergency expenses resulting
16 from Hurricanes Fran and Hortense: *Provided,* That in
17 administering these amounts, the Secretary may waive, or
18 specify alternative requirements for, any provision of any
19 statute or regulation that the Secretary administers in
20 connection with the obligation by the Secretary or the use
21 by the recipient of these funds, except for statutory re-
22 quirements related to civil rights, fair housing and non-
23 discrimination, the environment, and labor standards,
24 upon a finding that such waiver is required to facilitate
25 the use of such funds, and would not be inconsistent with

1 the overall purpose of the statute: *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,
 4 that includes designation of the entire amount of the re-
 5 quest as an emergency requirement as defined in the Bal-
 6 anced Budget and Emergency Deficit Control Act of 1985,
 7 as amended, is transmitted by the President to Congress:
 8 *Provided further*, That the entire amount is designated by
 9 Congress as an emergency requirement pursuant to sec-
 10 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
 11 gency Deficit Control Act of 1985, as amended.

12 SECTION 8 VOUCHER AND CERTIFICATE REISSUANCE

13 To the extent necessary to assist victims living in
 14 Presidentially declared disaster areas, public housing
 15 agencies are authorized to use immediately any turnover
 16 rental vouchers and certificates available, notwithstanding
 17 the section 403(c) of the Balanced Budget Downpayment
 18 Act, I (Public Law 104–99).

19 DEPARTMENT OF TRANSPORTATION

20 FEDERAL HIGHWAY ADMINISTRATION

21 FEDERAL-AID HIGHWAYS

22 (HIGHWAY TRUST FUND)

23 For an additional amount for “Emergency Relief
 24 Program” for emergency expenses resulting from Hurri-
 25 canes Fran and Hortense and for other disasters, as au-
 26 thorized by 23 U.S.C. 125, \$82,000,000, to be derived

1 from the Highway Trust Fund and to remain available
2 until expended: *Provided*, That the entire amount is des-
3 ignated by Congress as an emergency requirement pursu-
4 ant to section 251(b)(2)(D)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended.

6 INDEPENDENT AGENCY

7 FEDERAL EMERGENCY MANAGEMENT AGENCY

8 EXTENSION OF NATIONAL FLOOD INSURANCE ACT

9 BORROWING AUTHORITY

10 Section 1309(a)(2) of the National Flood Insurance
11 Act, 42 U.S.C. 4016(a)(2), is amended by striking
12 “\$1,000,000,000” and inserting “\$1,500,000,000 through
13 September 30, 1997, and \$1,000,000,000 thereafter.”

14 APPLICATION OF SUBSECTION

15 LIMITATION ON AVAILABILITY

16 Each amount provided in this subsection shall be
17 available only to the extent of a specific dollar amount for
18 such program or activity that is included in an official
19 budget request submitted by the President to the Congress
20 and that is designated as an emergency requirement for
21 all purposes of the Balanced Budget and Emergency Defi-
22 cit Control Act of 1985.

23 WAIVER OF CERTAIN RESTRICTIONS

24 In administering funds provided in this subsection,
25 the head of the department or agency involved may waive
26 (or specify an alternative requirement for) any provision

1 of any statute or regulation that the department or agency
2 administers in connection with the obligation by the de-
3 partment or agency (or the use by any recipient) of such
4 funds, upon a finding that such waiver or alternative re-
5 quirement is necessary to facilitate the obligation and use
6 of such funds and will not be inconsistent with the overall
7 purpose of the statute or regulation.

8 The preceding paragraph shall not apply to any re-
9 quirement relating to civil rights, fair housing and non-
10 discrimination, the environment, or labor standards.

11 TRANSFER OF FUNDS BETWEEN ACCOUNTS

12 In administering funds provided in this subsection,
13 the head of the department or agency involved may trans-
14 fer from one account specified in this subsection to an-
15 other account specified in this subsection such sums as
16 the head determines are not necessary to carry out the
17 purpose for which the sums are appropriated under this
18 subsection. Any sums so transferred to an account shall
19 be available for the same purposes as the funds appro-
20 priated to that account under this subsection.

21 (i) For additional amounts in fiscal year 1997 for
22 programs, projects, or activities relating to anti-terrorism
23 and security enhancement activities, provided as follows:

1 DEPARTMENT OF ENERGY
2 ATOMIC ENERGY DEFENSE ACTIVITIES
3 OTHER DEFENSE ACTIVITIES

4 For an additional amount of fiscal year 1997 for terrorism activities, \$8,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

10 DEPARTMENT OF TRANSPORTATION

11 FEDERAL AVIATION ADMINISTRATION

12 OPERATIONS

13 (AIRPORT AND AIRWAY TRUST FUND)

14 For additional operating expenses of the Federal Aviation Administration for airport security activities, \$32,400,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: *Provided*, That of the funds provided, \$8,900,000 shall be for establishment of additional explosive detection K-9 teams at airports; \$5,500,000 shall be for airport vulnerability assessments; and \$18,000,000 shall be for the hire of additional aviation security personnel: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For additional necessary expenses for “Facilities and
4 Equipment”, \$144,200,000, to be derived from the Air-
5 port and Airway Trust Fund and to remain available until
6 September 30, 1999: *Provided*, That the funds provided
7 shall only be for non-competitive contracts or cooperative
8 agreements with air carriers and airport authorities, which
9 provide for the Federal Aviation Administration to pur-
10 chase and assist in installation of advanced security equip-
11 ment for the use of such entities: *Provided further*, That
12 such amount is designated by Congress as an emergency
13 requirement pursuant to section 251(b)(2)(D)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985, as amended.

16 RESEARCH, ENGINEERING, AND DEVELOPMENT

17 (AIRPORT AND AIRWAY TRUST FUND)

18 For an additional amount for “Research, Engineer-
19 ing, and Development”, \$21,000,000, to be derived from
20 the Airport and Airway Trust Fund and to remain avail-
21 able until September 30, 1999: *Provided*, That the funds
22 provided shall only be for aviation security research and
23 operational testing of document trace scanners and explo-
24 sive detection portals for airport passengers: *Provided fur-*
25 *ther*, That such amount is designated by Congress as an
26 emergency requirement pursuant to section

1 251(b)(2)(D)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985, as amended.

3 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

4 RESEARCH AND SPECIAL PROGRAMS

5 For expenses necessary for “Research and Special
6 Programs” to conduct vulnerability and threat assess-
7 ments of the nation’s transportation system, \$3,000,000,
8 to remain available until September 30, 1999: *Provided*,
9 That the entire amount is designated by Congress as an
10 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 RELATED AGENCY

14 NATIONAL TRANSPORTATION SAFETY BOARD

15 SALARIES AND EXPENSES

16 For an additional amount for “Salaries and Ex-
17 penses”, \$6,000,000, to reimburse other federal agencies
18 for previously incurred costs of recovering wreckage from
19 TWA flight 800, and for other costs related to the TWA
20 800 accident investigation: *Provided*, That the entire
21 amount is designated by Congress as an emergency re-
22 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985,
24 as amended.

1 EMERGENCY FUND

2 For necessary expenses of the National Transpor-
 3 tation Safety Board for accident investigations, including
 4 hire of passenger motor vehicles and aircraft; services as
 5 authorized by 5 U.S.C. 3109, but at rates for individuals
 6 not to exceed the per diem rate equivalent to the rate for
 7 a GS-18; uniforms, or allowances therefor, as authorized
 8 by law (5 U.S.C. 5901-5902), \$1,000,000: *Provided*, That
 9 the entire amount is designated by Congress as an emer-
 10 gency requirement pursuant to section 251(b)(2)(D)(i) of
 11 the Balanced Budget and Emergency Deficit Control Act
 12 of 1985, as amended.

13 (j) For additional amounts in 1997 for programs,
 14 projects, or activities, provided as follows:

15 DISTRICT OF COLUMBIA

16 FEDERAL PAYMENT FOR EDUCATION FACILITIES

17 IMPROVEMENT IN THE DISTRICT OF COLUMBIA

18 For a Federal contribution to the District of Colum-
 19 bia Financial Responsibility and Management Assistance
 20 Authority (referred to in this heading as the "Authority")
 21 for contracting with a private entity (or entities) to carry
 22 out a program of school facility repair of public schools
 23 and public charter schools located in public school facilities
 24 in the District of Columbia, in consultation with the Gen-
 25 eral Services Administration, \$40,000,000, to remain
 26 available until expended: *Provided*, That an additional

1 amount estimated to be \$40,700,000 shall be available to
2 the Authority for contracting as provided under this head-
3 ing to be derived from reallocations as follows: (1) funds
4 made available under the heading “PUBLIC EDU-
5 CATION SYSTEM” in Public Law 104–194 for school
6 repairs in a restricted line item; (2) all capital financing
7 authority made available for public school capital improve-
8 ments in Public Law 104–194; and (3) all capital financ-
9 ing authority made available for public school capital im-
10 provements which are or remain available from Public
11 Law 104–134 or any previous appropriations Act for the
12 District of Columbia: *Provided further*, That the General
13 Services Administration, in consultation with the District
14 of Columbia Public Schools and the District of Columbia
15 Council and subject to the approval of the Authority and
16 the Committees on Appropriations of the Senate and the
17 House of Representatives, shall provide program manage-
18 ment services to assist in the short-term management of
19 the repairs and capital improvements: *Provided further*,
20 That contracting authorized under this heading shall be
21 conducted in accordance with Federal procurement rules
22 and regulations and guidelines or such guidelines as pre-
23 scribed by the Authority.

1 DEPARTMENT OF TRANSPORTATION

2 FEDERAL AVIATION ADMINISTRATION

3 GRANTS-IN-AID FOR AIRPORTS

4 (AIRPORT AND AIRWAY TRUST FUND)

5 (RESCISSION OF CONTRACT AUTHORIZATION)

6 Of the available contract authority balances under
7 this heading, \$50,000,000 are rescinded.

8 FEDERAL HIGHWAY ADMINISTRATION

9 HIGHWAY-RELATED SAFETY GRANTS

10 (HIGHWAY TRUST FUND)

11 (RESCISSION OF CONTRACT AUTHORIZATION)

12 Of the available contract authority balances under
13 this heading, \$9,100,000 are rescinded.

14 MOTOR CARRIER SAFETY GRANTS

15 (HIGHWAY TRUST FUND)

16 (RESCISSION OF CONTRACT AUTHORIZATION)

17 Of the available contract authority balances under
18 this heading, \$12,300,000 are rescinded.

19 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

20 HIGHWAY TRAFFIC SAFETY GRANTS

21 (HIGHWAY TRUST FUND)

22 (RESCISSION OF CONTRACT AUTHORIZATION)

23 Of the available contract authority balances under
24 this heading, \$11,800,000 are rescinded.

1 TRANSFER OF FUNDS TO OFFICIAL MAIL ACCOUNTS.

2 SEC. 102. (a) Each Member of the Senate may, sub-
3 ject to the approval of the Committee on Rules and Ad-
4 ministration of the Senate, during the fiscal year ending
5 September 30, 1997, at his or her election, transfer sums
6 from the Senator's Official Personnel and Office Expense
7 Account, within the contingent fund of the Senate, to the
8 Member's Official Mail Allowance allocated to such Mem-
9 ber by the Senate Committee on Rules and Administration
10 from the Senator Official Mail Costs Account, within the
11 contingent fund of the Senate.

12 (b) Any transfer of funds under the authority of this
13 section shall be for the sole purpose of mailing town meet-
14 ing notices and shall be made at such time or times as
15 such Member shall specify in writing to the Financial
16 Clerk of the Senate.

17 (c) A Member may not request a transfer of funds
18 under authority of this section unless the Member has
19 used 50 percent of that Member's official mail allocation
20 for fiscal year 1997 for the purpose of mailing town meet-
21 ing notices. The total amount transferred by a Member
22 during the fiscal year shall not exceed that Member's offi-
23 cial mail allocation for the fiscal year.

1 (d) The Committee on Rules and Administration
2 shall prescribe regulations to carry out the provisions of
3 this section.

4 SEC. 103. Of the funds appropriated under the head-
5 ing, “ARCHITECT OF THE CAPITOL”, “Capitol
6 Buildings and Grounds”, “Senate office buildings” in
7 Public Law 104–53, \$650,000 shall remain available until
8 September 30, 1997 for furniture, furnishings, and equip-
9 ment for the Senate employees’ child care center.

10 SEC. 104. In fiscal year 1997 and thereafter, the Ad-
11 ministrator of the Federal Aviation Administration may
12 establish at individual airports such consortia of govern-
13 ment and aviation industry representatives as the Admin-
14 istrator may designate to provide advice on matters relat-
15 ed to aviation security and safety: *Provided*, That such
16 consortia shall not be considered Federal advisory commit-
17 tees.

18 SEC. 105. Of the funds deducted under 23 U.S.C.
19 subsection 104(a) for fiscal year 1997, \$30,000,000 shall
20 be available for allocation to States authorized by section
21 1069(y) of Public Law 102–240.

22 SEC. 106. Notwithstanding any other provision of
23 law, \$58,680,000, for direct loans not to exceed
24 \$400,000,000 consistent with the purposes of section 505
25 of the Railroad Revitalization and Regulatory Reform Act

1 of 1976 (45 U.S.C. 825) as in effect on September 30,
2 1988, to the Alameda Corridor Transportation Authority
3 to continue the Alameda Corridor Project, including re-
4 placement of at-grade rail lines with a below-grade cor-
5 ridor and widening of the adjacent major highway: *Pro-*
6 *vided*, That loans not to exceed the following amounts
7 shall be made on or after the first day of the fiscal year
8 indicated:

Fiscal year 1997	\$140,000,000
Fiscal year 1998	\$140,000,000
Fiscal year 1999	\$120,000,000:

9 *Provided further*, That any loan authorized under this sec-
10 tion shall be structured with a maximum 30-year repay-
11 ment after completion of construction at an annual inter-
12 est rate of not to exceed the 30-year United States Treas-
13 ury rate and on such terms and conditions as deemed ap-
14 propriate by the Secretary of Transportation: *Provided*
15 *further*, That specific provisions of section 505 (a), (b) and
16 (d) through (h) shall not apply: *Provided further*, That the
17 Alameda Corridor Transportation Authority shall be
18 deemed to be a financially responsible person for purposes
19 of section 505 of the Act.

20 SEC. 107. Notwithstanding any other provision of
21 law, an additional \$22,500,000 is hereby made available
22 to the Secretary of Transportation for grants for operat-
23 ing losses and related expenses under 49 U.S.C. 24104
24 and an additional \$60,000,000 is hereby made available

1 for expenses under 45 U.S.C. 24909: *Provided*, That
2 amounts made available under this section shall be avail-
3 able under the same terms and conditions as funds simi-
4 larly made available under the Department of Transpor-
5 tation and Related Agencies Appropriations Act, 1997.

6 SEC. 108. In cases where an emergency ocean condi-
7 tion causes erosion of a bank protecting a scenic highway
8 or byway, fiscal year 1996 or fiscal year 1997 Federal
9 Highway Administration Emergency Relief funds can be
10 used to halt the erosion and stabilize the bank if such ac-
11 tion is necessary to protect the highway from imminent
12 failure and is less expensive than highway relocation.

13 SEC. 109. There is hereby established on the books
14 of the Treasury an account, "Support for International
15 Sporting Competitions and other Special Activities, De-
16 fense" (hereinafter referred to in this section as the "Ac-
17 count") to be available until expended for logistical and
18 security support for international sporting competitions
19 and other special events of national and international sig-
20 nificance (other than pay and non-travel-related allow-
21 ances of members of the Armed Forces of the United
22 States, except for members of the reserve components
23 thereof called or ordered to active duty in connection with
24 providing such support): *Provided*, That there shall be
25 credited to the Account: (a) unobligated balances of the

1 funds appropriated in Public Laws 103–335 and 104–61
2 under the headings “Summer Olympics”; (b) any reim-
3 bursements received by the Department of Defense in con-
4 nection with support to the 1993 World University Games;
5 the 1994 World Cup Games; and the 1996 Games of the
6 XXVI Olympiad held in Atlanta Georgia; (c) any reim-
7 bursements received by the Department of Defense after
8 the date of enactment of this Act for logistical and security
9 support provided to international sporting competitions
10 and other special events of national and international sig-
11 nificance and (d) amounts specifically appropriated to the
12 Account, all to remain available until expended.

13 SEC. 110. (a) Section 501(b) of the National Defense
14 Authorization Act for Fiscal Year 1997 is amended by
15 striking out “upon the occurrence” and all that follows
16 through the period and inserting in lieu thereof the follow-
17 ing: “on the date of the enactment of this Act and apply
18 to any officer serving in the Office of Naval Research as
19 Chief of Naval Research on or after that date.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect as if included in the provi-
22 sions of the National Defense Authorization Act for Fiscal
23 Year 1997, to which such amendment relates.

1 TITLE II—OREGON RESOURCE CONSERVATION
2 ACT OF 1996

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Resource Con-
5 servation Act of 1996”.

6 **TITLE I—OPAL CREEK WILDERNESS AND**
7 **SCENIC RECREATION AREA**

8 **SEC. 101. SHORT TITLE.**

9 This title may be cited as the “Opal Creek Wilderness
10 and Opal Creek Scenic Recreation Area Act of 1996”.

11 **SEC. 102. DEFINITIONS.**

12 In this title:

13 (1) **BULL OF THE WOODS WILDERNESS.**—The
14 term “Bull of the Woods Wilderness” means the
15 land designated as wilderness by section 3(4) of the
16 Oregon Wilderness Act of 1984 (Public Law 98-
17 328; 16 U.S.C. 1132 note).

18 (2) **OPAL CREEK WILDERNESS.**—The term
19 “Opal Creek Wilderness” means certain land in the
20 Willamette National Forest in the State of Oregon
21 comprising approximately 12,800 acres, as generally
22 depicted on the map entitled “Proposed Opal Creek
23 Wilderness and Scenic Recreation Area”, dated July
24 1996.

1 (3) SCENIC RECREATION AREA.—The term
2 “Scenic Recreation Area” means the Opal Creek
3 Scenic Recreation Area, comprising approximately
4 13,000 acres, as generally depicted on the map enti-
5 tled “Proposed Opal Creek Wilderness and Scenic
6 Recreation Area”, dated July 1996 and established
7 under section 104(a)(3) of this title.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 **SEC. 103. PURPOSES.**

11 The purposes of this title are:

12 (1) to establish a wilderness and scenic recre-
13 ation area to protect and provide for the enhance-
14 ment of the natural, scenic, recreational, historic,
15 and cultural resources of the area in the vicinity of
16 Opal Creek;

17 (2) to protect and support the economy of the
18 communities in the Santiam Canyon; and

19 (3) to provide increased protection for an im-
20 portant drinking water source for communities
21 served by the North Santiam River.

22 **SEC. 104. ESTABLISHMENT OF OPAL CREEK WILDERNESS**
23 **AND SCENIC RECREATION AREA.**

24 (a) ESTABLISHMENT.—On a determination by the
25 Secretary under subsection (b)—

1 (1) the Opal Creek Wilderness, as depicted on
2 the map described in section 102(2), is hereby des-
3 ignated as wilderness, subject to the provisions of
4 the Wilderness Act of 1964, shall become a compo-
5 nent of the National Wilderness System, and shall
6 be known as the Opal Creek Wilderness;

7 (2) the part of the Bull of the Woods Wilder-
8 ness that is located in the Willamette National For-
9 est shall be incorporated into the Opal Creek Wilder-
10 ness; and

11 (3) the Secretary shall establish the Opal Creek
12 Scenic Recreation Area in the Willamette National
13 Forest in the State of Oregon, comprising approxi-
14 mately 13,000 acres, as generally depicted on the
15 map described in section 102(3).

16 (b) CONDITIONS.—The designations in subsection (a)
17 shall not take effect unless the Secretary makes a deter-
18 mination, not later than 2 years after the date of enact-
19 ment of this title, that the following conditions have been
20 met:

21 (1) the following have been donated to the
22 United States in an acceptable condition and with-
23 out encumbrances—

24 (A) all right, title, and interest in the fol-
25 lowing patented parcels of land—

1 (i) Santiam number 1, mineral survey
2 number 992, as described in patent num-
3 ber 39-92-0002, dated December 11,
4 1991;

5 (ii) Ruth Quartz Mine number 2, min-
6 eral survey number 994, as described in
7 patent number 39-91-0012, dated Feb-
8 ruary 12, 1991;

9 (iii) Morning Star Lode, mineral sur-
10 vey number 993, as described in patent
11 number 36-91-0011, dated February 12,
12 1991;

13 (B) all right, title, and interest held by any
14 entity other than the Times Mirror Land and
15 Timber Company, its successors and assigns, in
16 and to lands located in section 18, township 8
17 south, range 5 east, Marion County, Oregon,
18 Eureka numbers 6, 7, 8, and 13 mining claims;
19 and

20 (C) an easement across the Hewitt, Star-
21 vation, and Poor Boy Mill Sites, mineral survey
22 number 990, as described in patent number 36-
23 91-0017, dated May 9, 1991. In the sole dis-
24 cretion of the Secretary, such easement may be
25 limited to administrative use if an alternative

1 access route, adequate and appropriate for pub-
2 lic use, is provided.

3 (2) a binding agreement has been executed by
4 the Secretary and the owners of record as of March
5 29, 1996, of the following interests, specifying the
6 terms and conditions for the disposition of such in-
7 terests to the United States Government—

8 (A) the lode mining claims known as Prin-
9 cess Lode, Black Prince Lode, and King num-
10 ber 4 Lode, embracing portions of sections 29
11 and 32, township 8 south, range 5 east, Wil-
12 lamette Meridian, Marion County, Oregon, the
13 claims being more particularly described in the
14 field notes and depicted on the plat of mineral
15 survey number 887, Oregon; and

16 (B) Ruth Quartz Mine number 1, mineral
17 survey number 994, as described in patent
18 number 39-91-0012, dated February 12, 1991.

19 (c) ADDITIONS TO THE WILDERNESS AND SCENIC
20 RECREATION AREAS.—

21 (1) Lands or interests in lands conveyed to the
22 United States under this section shall be included in
23 and become part of, as appropriate, Opal Creek Wil-
24 derness or the Opal Creek Scenic Recreation Area.

1 (2) On acquiring all or substantially all of the
2 land located in section 36, township 8 south, range
3 4 east, of the Willamette Meridian, Marion County,
4 Oregon, commonly known as the Rosboro section, by
5 exchange, purchase from a willing seller, or by dona-
6 tion, the Secretary shall expand the boundary of the
7 Scenic Recreation Area to include such land.

8 (3) On acquiring all or substantially all of the
9 land located in section 18, township 8 south, range
10 5 east, Marion County, Oregon, commonly known as
11 the Times Mirror property, by exchange, purchase
12 from a willing seller, or by donation, such land shall
13 be included in and become a part of the Opal Creek
14 Wilderness.

15 **SEC. 105. ADMINISTRATION OF THE SCENIC RECREATION**
16 **AREA.**

17 (a) IN GENERAL.—The Secretary shall administer
18 the Scenic Recreation Area in accordance with this title
19 and the laws (including regulations) applicable to the Na-
20 tional Forest System.

21 (b) OPAL CREEK MANAGEMENT PLAN.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of establishment of the Scenic Recreation
24 Area, the Secretary, in consultation with the advi-
25 sory committee established under section 106(a),

1 shall prepare a comprehensive Opal Creek Manage-
2 ment Plan (Management Plan) for the Scenic Recre-
3 ation Area.

4 (2) INCORPORATION IN LAND AND RESOURCE
5 MANAGEMENT PLAN.—Upon its completion, the Opal
6 Creek Management Plan shall become part of the
7 land and resource management plan for the Willam-
8 ette National Forest and supersede any conflicting
9 provision in such land and resource management
10 plan. Nothing in this paragraph shall be construed
11 to supersede the requirements of the Endangered
12 Species Act or the National Forest Management Act
13 or regulations promulgated under those Acts, or any
14 other law.

15 (3) REQUIREMENTS.—The Opal Creek Manage-
16 ment Plan shall provide for a broad range of land
17 uses, including—

18 (A) recreation;

19 (B) harvesting of nontraditional forest
20 products, such as gathering mushrooms and
21 material to make baskets; and

22 (C) educational and research opportunities.

23 (4) PLAN AMENDMENTS.—The Secretary may
24 amend the Opal Creek Management Plan as the Sec-

1 retary may determine to be necessary, consistent
2 with the procedures and purposes of this title.

3 (c) RECREATION.—

4 (1) RECOGNITION.—Congress recognizes recre-
5 ation as an appropriate use of the Scenic Recreation
6 Area.

7 (2) MINIMUM LEVELS.—The management plan
8 shall permit recreation activities at not less than the
9 levels in existence on the date of enactment of this
10 title.

11 (3) HIGHER LEVELS.—The management plan
12 may provide for levels of recreation use higher than
13 the levels in existence on the date of enactment of
14 this title if such uses are consistent with the protec-
15 tion of the resource values of Scenic Recreation
16 Area.

17 (4) The management plan may include public
18 trail access through section 28, township 8 south,
19 range 5 east, Willamette Meridian, to Battle Axe
20 Creek, Opal Pool and other areas in the Opal Creek
21 Wilderness and the Opal Creek Scenic Recreation
22 Area.

23 (d) TRANSPORTATION PLANNING.—

24 (1) IN GENERAL.—Except as provided in this
25 subparagraph, motorized vehicles shall not be per-

1 mitted in the Scenic Recreation Area. To maintain
2 reasonable motorized and other access to recreation
3 sites and facilities in existence on the date of enact-
4 ment of this title, the Secretary shall prepare a
5 transportation plan for the Scenic Recreation Area
6 that:

7 (A) evaluates the road network within the
8 Scenic Recreation Area to determine which
9 roads should be retained and which roads
10 should be closed;

11 (B) provides guidelines for transportation
12 and access consistent with this title;

13 (C) considers the access needs of persons
14 with disabilities in preparing the transportation
15 plan for the Scenic Recreation Area;

16 (D) allows forest road 2209 beyond the
17 gate to the Scenic Recreation Area, as depicted
18 on the map described in 102(2), to be used by
19 motorized vehicles only for administrative pur-
20 poses and for access by private inholders, sub-
21 ject to such terms and conditions as the Sec-
22 retary may determine to be necessary; and

23 (E) restricts construction on or improve-
24 ments to forest road 2209 beyond the gate to
25 the Scenic Recreation Area to maintaining the

1 character of the road as it existed upon the
2 date of enactment of this title, which shall not
3 include paving or widening. In order to comply
4 with subsection 107(b) of this title, the Sec-
5 retary may make improvements to forest road
6 2209 and its bridge structures consistent with
7 the character of the road as it existed on the
8 date of enactment of this title.

9 (e) HUNTING AND FISHING.—

10 (1) IN GENERAL.—Subject to applicable Fed-
11 eral and State law, the Secretary shall permit hunt-
12 ing and fishing in the Scenic Recreation Area.

13 (2) LIMITATION.—The Secretary may designate
14 zones in which, and establish periods when, no hunt-
15 ing or fishing shall be permitted for reasons of pub-
16 lic safety, administration, or public use and enjoy-
17 ment of the Scenic Recreation Area.

18 (3) CONSULTATION.—Except during an emer-
19 gency, as determined by the Secretary, the Secretary
20 shall consult with the Oregon State Department of
21 Fish and Wildlife before issuing any regulation
22 under this subsection.

23 (f) TIMBER CUTTING.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall prohibit the cutting and/or sell-
3 ing of trees in the Scenic Recreation Area.

4 (2) PERMITTED CUTTING.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), the Secretary may allow the cutting
7 of trees in the Scenic Recreation Area only—

8 (i) for public safety, such as to control
9 the continued spread of a forest fire in the
10 Scenic Recreation Area or on land adjacent
11 to the Scenic Recreation Area;

12 (ii) for activities related to adminis-
13 tration of the Scenic Recreation Area, con-
14 sistent with the Opal Creek Management
15 Plan; or

16 (iii) for removal of hazard trees along
17 trails and roadways.

18 (B) SALVAGE SALES.—The Secretary may
19 not allow a salvage sale in the Scenic Recre-
20 ation Area.

21 (g) WITHDRAWAL.—

22 (1) Subject to valid existing rights, all lands in
23 the Scenic Recreation Area are withdrawn from—

24 (i) any form of entry, appropriation, or
25 disposal under the public land laws;

1 (ii) location, entry, and patent under the
2 mining laws; and

3 (iii) disposition under the mineral and geo-
4 thermal leasing laws.

5 (h) BORNITE PROJECT.—

6 (1) Nothing in this title shall be construed to
7 interfere with or approve any exploration, mining, or
8 mining-related activity in the Bornite Project Area,
9 depicted on the map described in subsection 102(3),
10 conducted in accordance with applicable laws.

11 (2) Nothing in this title shall be construed to
12 interfere with the ability of the Secretary to approve
13 and issue, or deny, special use permits in connection
14 with exploration, mining, and mining-related activi-
15 ties in the Bornite Project Area.

16 (3) Motorized vehicles, roads, structures, and
17 utilities (including but not limited to power lines and
18 water lines) may be allowed inside the Scenic Recre-
19 ation Area to serve the activities conducted on land
20 within the Bornite Project.

21 (4) After the date of enactment of this title, no
22 patent or claim shall be issued for any mining claim
23 under the general mining laws located within the
24 Bornite Project Area.

1 (i) WATER IMPOUNDMENTS.—Notwithstanding the
2 Federal Power Act (16 U.S.C. 791a et seq.), the Federal
3 Energy Regulatory Commission may not license the con-
4 struction of any dam, water conduit, reservoir, power-
5 house, transmission line, or other project work in the Sce-
6 nic Recreation Area, except as may be necessary to comply
7 with the provisions of subsection 105(h) with regard to
8 the Bornite Project.

9 (j) CULTURAL AND HISTORIC RESOURCE INVEN-
10 TORY.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of establishment of the Scenic Recreation
13 Area, the Secretary shall review and revise the in-
14 ventory of the cultural and historic resources on the
15 public land in the Scenic Recreation Area developed
16 pursuant to the Oregon Wilderness Act of 1984
17 (Public Law 98–328; 16 U.S.C. 1132).

18 (2) INTERPRETATION.—Interpretive activities
19 shall be developed under the management plan in
20 consultation with State and local historic preserva-
21 tion organizations and shall include a balanced and
22 factual interpretation of the cultural, ecological, and
23 industrial history of forestry and mining in the Sce-
24 nic Recreation Area.

1 (k) PARTICIPATION.—So that the knowledge, exper-
2 tise, and views of all agencies and groups may contribute
3 affirmatively to the most sensitive present and future use
4 of the Scenic Recreation Area and its various subareas
5 for the benefit of the public:

6 (1) ADVISORY COUNCIL.—The Secretary shall
7 consult on a periodic and regular basis with the ad-
8 visory council established under section 106 with re-
9 spect to matters relating to management of the Sce-
10 nic Recreation Area.

11 (2) PUBLIC PARTICIPATION.—The Secretary
12 shall seek the views of private groups, individuals,
13 and the public concerning the Scenic Recreation
14 Area.

15 (3) OTHER AGENCIES.—The Secretary shall
16 seek the views and assistance of, and cooperate with,
17 any other Federal, State, or local agency with any
18 responsibility for the zoning, planning, or natural re-
19 sources of the Scenic Recreation Area.

20 (4) NONPROFIT AGENCIES AND ORGANIZA-
21 TIONS.—The Secretary shall seek the views of any
22 nonprofit agency or organization that may contrib-
23 ute information or expertise about the resources and
24 the management of the Scenic Recreation Area.

1 **SEC. 106. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—Not later than 90 days after
3 the establishment of the Scenic Recreation Area, the Sec-
4 retary shall establish an advisory council for the Scenic
5 Recreation Area.

6 (b) MEMBERSHIP.—The advisory council shall consist
7 of not more than 13 members, of whom—

8 (1) 1 member shall represent Marion County,
9 Oregon, and shall be designated by the governing
10 body of the county;

11 (2) 1 member shall represent the State of Or-
12 egon and shall be designated by the Governor of Or-
13 egon; and

14 (3) 1 member shall represent the city of Salem,
15 and shall be designated by the mayor of Salem, Or-
16 egon;

17 (4) 1 member from a city within a 25-mile ra-
18 dius of the Opal Creek Scenic Recreation Area, to
19 be designated by the Governor of the State of Or-
20 egon from a list of candidates provided by the may-
21 ors of the cities located within a 25-mile radius of
22 the Opal Creek Scenic Recreation Area; and

23 (5) not more than 9 members shall be ap-
24 pointed by the Secretary from among persons who,
25 individually or through association with a national or
26 local organization, have an interest in the adminis-

1 tration of the Scenic Recreation Area, including, but
2 not limited to, representatives of the timber indus-
3 try, environmental organizations, the mining indus-
4 try, inholders in the Opal Creek Wilderness and Sce-
5 nic Recreation Area, economic development interests
6 and Indian Tribes.

7 (c) STAGGERED TERMS.—Members of the advisory
8 council shall serve for staggered terms of three years.

9 (d) CHAIRMAN.—The Secretary shall designate one
10 member of the advisory council as chairman.

11 (e) VACANCIES.—The Secretary shall fill a vacancy
12 on the advisory council in the same manner as the original
13 appointment.

14 (f) COMPENSATION.—Members of the advisory coun-
15 cil shall receive no compensation for service on the advi-
16 sory council.

17 **SEC. 107. GENERAL PROVISIONS.**

18 (a) LAND ACQUISITION.—

19 (1) IN GENERAL.—Subject to the other provi-
20 sions of this title the Secretary may acquire any
21 lands or interests in land in the Scenic Recreation
22 Area or the Opal Creek Wilderness that the Sec-
23 retary determines are needed to carry out this title.

24 (2) PUBLIC LAND.—Any lands or interests in
25 land owned by a State or a political subdivision of

1 a State may be acquired only by donation or ex-
2 change.

3 (3) CONDEMNATION.—Within the boundaries of
4 the Opal Creek Wilderness or the Scenic Recreation
5 Area, the Secretary may not acquire any privately
6 owned land or interest in land without the consent
7 of the owner unless the Secretary finds that—

8 (A) the nature of land use has changed
9 significantly, or the landowner has dem-
10 onstrated intent to change the land use signifi-
11 cantly, from the use that existed on the date of
12 the enactment of this title; and

13 (B) acquisition by the Secretary of the
14 land or interest in land is essential to ensure
15 use of the land or interest in land in accordance
16 with the purposes of this title or the manage-
17 ment plan prepared under section 105(b).

18 (4) Nothing in this title shall be construed to
19 enhance or diminish the condemnation authority
20 available to the Secretary outside the boundaries of
21 the Opal Creek Wilderness or the Scenic Recreation
22 Area.

23 (b) ENVIRONMENTAL RESPONSE ACTIONS AND COST
24 RECOVERY.—

1 (1) RESPONSE ACTIONS.—Nothing in this title
2 shall limit the authority of the Secretary or a re-
3 sponsible party to conduct an environmental re-
4 sponse action in the Scenic Recreation Area in con-
5 nection with the release, threatened release, or clean-
6 up of a hazardous substance, pollutant, or contami-
7 nant, including a response action conducted under
8 the Comprehensive Environmental Response, Com-
9 pensation, and Liability Act of 1980 (42 U.S.C.
10 9601 et seq.).

11 (2) LIABILITY.—Nothing in this title shall limit
12 the authority of the Secretary or a responsible party
13 to recover costs related to the release, threatened re-
14 lease, or cleanup of any hazardous substance or pol-
15 lutant or contaminant in the Scenic Recreation
16 Area.

17 (c) MAPS AND DESCRIPTION.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this title, the Secretary
20 shall file a map and a boundary description for the
21 Opal Creek Wilderness and for the Scenic Reere-
22 ation Area with the Committee on Resources of the
23 House of Representatives and the Committee on En-
24 ergy and Natural Resources of the Senate.

1 (2) FORCE AND EFFECT.—The boundary de-
2 scription and map shall have the same force and ef-
3 fect as if the description and map were included in
4 this title, except that the Secretary may correct cler-
5 ical and typographical errors in the boundary de-
6 scription and map.

7 (3) AVAILABILITY.—The map and boundary de-
8 scription shall be on file and available for public in-
9 spection in the Office of the Chief of the Forest
10 Service, Department of Agriculture.

11 (d) Nothing in this title shall interfere with any activ-
12 ity for which a special use permit has been issued, has
13 not been revoked, and has not expired, before the date
14 of enactment of this title, subject to the terms of the per-
15 mit.

16 **SEC. 108. ROSBORO LAND EXCHANGE.**

17 (a) AUTHORIZATION.—Notwithstanding any other
18 law, if the Rosboro Lumber Company (referred to in this
19 section as “Rosboro”) offers and conveys marketable title
20 to the United States to the land described in subsection
21 (b), the Secretary of Agriculture shall convey all right,
22 title and interest held by the United States to sufficient
23 lands described in subsection (c) to Rosboro, in the order
24 in which they appear in subsection (c), as necessary to
25 satisfy the equal value requirements of subsection (d).

1 (b) LAND TO BE OFFERED BY ROSBORO.—The land
2 referred to in subsection (a) as the land to be offered by
3 Rosboro shall comprise Section 36, Township 8 South,
4 range 4 east, Willamette Meridian.

5 (c) LAND TO BE CONVEYED BY THE UNITED
6 STATES.—The land referred to in subsection (a) as the
7 land to be conveyed by the United States shall comprise
8 sufficient land from the following prioritized list to be of
9 equal value under subparagraph (d):

10 (1) Section 5, Township 17 South, Range 4
11 East, Lot 7 (37.63 acres).

12 (2) Section 2, Township 17 South, Range 4
13 East, Lot 3 (29.28 acres).

14 (3) Section 13, Township 17 South, Range 4
15 East, S 1/2 SE 1/4 (80 acres).

16 (4) Section 2, Township 17 South, Range 4
17 East, SW 1/4 SW 1/4 (40 acres).

18 (5) Section 2, Township 17 South, Range 4
19 East, NW 1/4 SE 1/4 (40 acres).

20 (6) Section 8, Township 17 South, Range 4
21 East, SE 1/4 SW 1/4 (40 acres).

22 (7) Section 11, Township 17 South, Range 4
23 East, W 1/2 NW 1/4 (80 acres).

24 (d) EQUAL VALUE.—The land and interests in land
25 exchanged under this section shall be of equal market

1 value as determined by nationally recognized appraisal
2 standards, including, to the extent appropriate, the Uni-
3 form Standards for Federal Land Acquisition, the Uni-
4 form Standards of Professional Appraisal Practice, or
5 shall be equalized by way of payment of cash pursuant
6 to the provisions of section 206(d) of the Federal Land
7 Policy and Management Act of 1976 (43 U.S.C. 1716(d)),
8 and other applicable law. The appraisal shall consider ac-
9 cess costs for the parcels involved.

10 (e) TIMETABLE.—

11 (1) The exchange directed by this section shall
12 be consummated not later than 120 days after the
13 date Rosboro offers and conveys the property de-
14 scribed in subsection (b) to the United States.

15 (2) The authority provided by this section shall
16 lapse if Rosboro fails to offer the land described in
17 subsection (b) within two years after the date of en-
18 actment of this title.

19 (f) Rosboro shall have the right to challenge in Unit-
20 ed States District Court for the District of Oregon a deter-
21 mination of marketability under subsection (a) and a de-
22 termination of value for the lands described in subsections
23 (b) and (c) by the Secretary of Agriculture. The Court
24 shall have the authority to order the Secretary to complete
25 the transaction contemplated in this Section.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 109. DESIGNATION OF ELKHORN CREEK AS A WILD**
5 **AND SCENIC RIVER.**

6 Section 3(a) of the Wild and Scenic Rivers Act (16
7 U.S.C. 1274(a)) is amended by adding at the end the fol-
8 lowing:

9 “() (A) ELKHORN CREEK.—The 6.4 mile segment
10 traversing federally administered lands from that point
11 along the Willamette National Forest boundary on the
12 common section line between Sections 12 and 13, Town-
13 ship 9 South, Range 4 East, Willamette Meridian, to that
14 point where the segment leaves federal ownership along
15 the Bureau of Land Management boundary in Section 1,
16 Township 9 South, Range 3 East, Willamette Meridian,
17 in the following classes:

18 “(i) a 5.8-mile wild river area, extending from
19 that point along the Willamette National Forest
20 boundary on the common section line between Sec-
21 tions 12 and 13, Township 9 South, Range 4 East,
22 Willamette Meridian, to its confluence with Buck
23 Creek in Section 1, Township 9 South, Range 3
24 East, Willamette Meridian, to be administered as

1 agreed on by the Secretaries of Agriculture and the
2 Interior, or as directed by the President; and

3 “(ii) a 0.6-mile scenic river area, extending
4 from the confluence with Buck Creek in Section 1,
5 Township 9 South, Range 3 East, Willamette Merid-
6 ian, to that point where the segment leaves federal
7 ownership along the Bureau of Land Management
8 boundary in Section 1, Township 9 South, Range 3
9 East, Willamette Meridian, to be administered by
10 the Secretary of Interior, or as directed by the
11 President.

12 “(B) Notwithstanding section 3(b) of this Act, the
13 lateral boundaries of both the wild river area and the sce-
14 nic river area along Elkhorn Creek shall include an aver-
15 age of not more than 640 acres per mile measured from
16 the ordinary high water mark on both sides of the river.”

17 **SEC. 110. ECONOMIC DEVELOPMENT.**

18 (a) **ECONOMIC DEVELOPMENT PLAN.**—As a condi-
19 tion for receiving funding under subsection (b) of this sec-
20 tion, the State of Oregon, in consultation with Marion
21 County and the Secretary of Agriculture, shall develop a
22 plan for economic development projects for which grants
23 under this section may be used in a manner consistent
24 with this title and to benefit local communities in the vi-
25 cinity of the Opal Creek area. Such plan shall be based

1 on an economic opportunity study and other appropriate
2 information.

3 (b) FUNDS PROVIDED TO THE STATES FOR
4 GRANTS.—Upon completion of the Opal Creek Manage-
5 ment Plan, and receipt of the plan referred to in sub-
6 section (a) of this section, the Secretary shall provide, sub-
7 ject to appropriations, \$15,000,000, to the State of Or-
8 egon. Such funds shall be used to make grants or loans
9 for economic development projects that further the pur-
10 poses of this title and benefit the local communities in the
11 vicinity of Opal Creek.

12 (c) REPORT.—The State of Oregon shall—

13 (1) prepare and provide the Secretary and Con-
14 gress with an annual report on the use of the funds
15 made available under this section;

16 (2) make available to the Secretary and to Con-
17 gress, upon request, all accounts, financial records,
18 and other information related to grants and loans
19 made available pursuant to this section; and

20 (3) as loans are repaid, make additional grants
21 and loans with the money made available for obliga-
22 tion by such repayments.

1 **TITLE II—UPPER KLAMATH BASIN**

2 **SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORA-**
3 **TION PROJECTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ECOSYSTEM RESTORATION OFFICE.—The
6 term “Ecosystem Restoration Office” means the
7 Klamath Basin Ecosystem Restoration Office oper-
8 ated cooperatively by the United States Fish and
9 Wildlife Service, Bureau of Reclamation, Bureau of
10 Land Management, and Forest Service.

11 (2) WORKING GROUP.—The term “Working
12 Group” means the Upper Klamath Basin Working
13 Group, established before the date of enactment of
14 this title, consisting of members nominated by their
15 represented groups, including:

16 (A) 3 tribal members;

17 (B) 1 representative of the city of Klamath
18 Falls, Oregon;

19 (C) 1 representative of Klamath County,
20 Oregon;

21 (D) 1 representative of institutions of
22 higher education in the Upper Klamath Basin;

23 (E) 4 representatives of the environmental
24 community, including at least one such rep-
25 resentative from the State of California with in-

1 terests in the Klamath Basin National Wildlife
2 Refuge Complex;

3 (F) 4 representatives of local businesses
4 and industries, including at least one represent-
5 ative of the wood products industry and one
6 representative of the ocean commercial fishing
7 industry and/or the recreational fishing industry
8 based in either Oregon or California;

9 (G) 4 representatives of the ranching and
10 farming community, including representatives
11 of Federal lease-land farmers and ranchers and
12 of private land farmers and ranchers in the
13 Upper Klamath Basin;

14 (H) 2 representatives from State of Or-
15 egon agencies with authority and responsibility
16 in the Klamath River Basin, including one from
17 the Oregon Department of Fish and Wildlife
18 and one from the Oregon Water Resources De-
19 partment;

20 (I) 4 representatives from the local com-
21 munity;

22 (J) 1 representative each from the follow-
23 ing Federal resource management agencies in
24 the Upper Klamath Basin: Fish and Wildlife
25 Service, Bureau of Reclamation, Bureau of

1 Land Management, Bureau of Indian Affairs,
2 Forest Service, Natural Resources Conservation
3 Service, National Marine Fisheries Service and
4 Ecosystem Restoration Office; and

5 (K) 1 representative of the Klamath Coun-
6 ty Soil and Water Conservation District.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) TASK FORCE.—The term “Task Force”
10 means the Klamath River Basin Fisheries Task
11 Force as established by the Klamath River Basin
12 Fishery Resource Restoration Act (Public Law 99–
13 552, 16 U.S.C. 460ss–3, et.seq.).

14 (5) COMPACT COMMISSION.—The term “Com-
15 pact Commission” means the Klamath River Basin
16 Compact Commission created pursuant to the Klam-
17 ath River Compact Act of 1954.

18 (6) CONSENSUS.—The term “consensus” means
19 a unanimous agreement by the Working Group
20 members present and consisting of at least a
21 quorum at a regularly scheduled business meeting.

22 (7) QUORUM.—The term “quorum” means one
23 more than half of those qualified Working Group
24 members appointed and eligible to serve.

1 (8) TRINITY TASK FORCE.—The term “Trinity
2 Task Force” means the Trinity River Restoration
3 Task Force created by Public Law 98–541, as
4 amended by Public Law 104–143.

5 (b) IN GENERAL.—

6 (1) The Working Group through the Ecosystem
7 Restoration Office, with technical assistance from
8 the Secretary, will propose ecological restoration
9 projects, economic development and stability
10 projects, and projects designed to reduce the impacts
11 of drought conditions to be undertaken in the Upper
12 Klamath Basin based on a consensus of the Working
13 Group membership.

14 (2) The Secretary shall pay, to the greatest ex-
15 tent feasible, up to 50 percent of the cost of per-
16 forming any project approved by the Secretary or his
17 designee, up to a total amount of \$1,000,000 during
18 each of fiscal years 1997 through 2001.

19 (3) Funds made available under this title
20 through the Department of the Interior or the De-
21 partment of Agriculture shall be distributed through
22 the Ecosystem Restoration Office.

23 (4) The Ecosystem Restoration Office may uti-
24 lize not more than 15 percent of all Federal funds

1 administered under this section for administrative
2 costs relating to the implementation of this title.

3 (5) All funding recommendations developed by
4 the Working Group shall be based on a consensus of
5 Working Group members.

6 (c) COORDINATION.—

7 (1) The Secretary shall formulate a cooperative
8 agreement among the Working Group, the Task
9 Force, the Trinity Task Force and the Compact
10 Commission for the purposes of ensuring that
11 projects proposed and funded through the Working
12 Group are consistent with other basin-wide fish and
13 wildlife restoration and conservation plans, including
14 but not limited to plans developed by the Task Force
15 and the Compact Commission.

16 (2) To the greatest extent practicable, the
17 Working Group shall provide notice to, and accept
18 input from, two members each of the Task Force,
19 the Trinity Task Force, and the Compact Commis-
20 sion, so appointed by those entities, for the express
21 purpose of facilitating better communication and co-
22 ordination regarding additional basin-wide fish and
23 wildlife and ecosystem restoration and planning ef-
24 forts. The roles and relationships of the entities in-

1 volved shall be clarified in the cooperative agree-
2 ment.

3 (d) PUBLIC MEETINGS.—The Working Group shall
4 conduct all meetings subject to applicable open meeting
5 and public participation laws. The chartering require-
6 ments of 5 U.S.C. App 2 ss 1–15 are hereby deemed to
7 have been met by this section.

8 (e) TERMS AND VACANCIES.—Working Group mem-
9 bers shall serve for 3-year terms, beginning on the date
10 of enactment of this title. Vacancies which occur for any
11 reason after the date of enactment of this title shall be
12 filled by direct appointment of the governor of the State
13 of Oregon, in consultation with the Secretary of the Inte-
14 rior and the Secretary of Agriculture, in accordance with
15 nominations from the appropriate groups, interests, and
16 government agencies outlined in subsection (a)(2).

17 (f) RIGHTS, DUTIES AND AUTHORITIES UNAF-
18 FECTED.—The Working Group will supplement, rather
19 than replace, existing efforts to manage the natural re-
20 sources of the Klamath Basin. Nothing in this title affects
21 any legal right, duty or authority of any person or agency,
22 including any member of the working group.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this title
25 \$1,000,000 for each of fiscal years 1997 through 2002.

1 **TITLE III—DESCHUTES BASIN**
2 **SEC. 301. DESCHUTES BASIN ECOSYSTEM RESTORATION**
3 **PROJECTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) WORKING GROUP.—The term “Working
6 Group” means the Deschutes River Basin Working
7 Group established before the date of enactment of
8 this title, consisting of members nominated by their
9 represented groups, including:

10 (A) 5 representatives of private interests
11 including one each from hydroelectric produc-
12 tion, livestock grazing, timber, land develop-
13 ment, and recreation/tourism;

14 (B) 4 representatives of private interests
15 including two each from irrigated agriculture
16 and the environmental community;

17 (C) 2 representatives from the Confed-
18 erated Tribes of the Warm Springs Reservation
19 of Oregon;

20 (D) 2 representatives from Federal agen-
21 cies with authority and responsibility in the
22 Deschutes River Basin, including one from the
23 Department of the Interior and one from the
24 Agriculture Department;

1 (E) 2 representatives from the State of Or-
2 regon agencies with authority and responsibility
3 in the Deschutes River Basin, including one
4 from the Oregon Department of Fish and Wild-
5 life and one from the Oregon Water Resources
6 Department; and

7 (F) 4 representatives from county or city
8 governments within the Deschutes River Basin
9 county and/or city governments.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (3) FEDERAL AGENCIES.—The term “Federal
13 agencies” means agencies and departments of the
14 United States, including, but not limited to, the Bu-
15 reau of Reclamation, Bureau of Indian Affairs, Bu-
16 reau of Land Management, Fish and Wildlife Serv-
17 ice, Forest Service, Natural Resources Conservation
18 Service, Farm Services Agency, the National Marine
19 Fisheries Service, and the Bonneville Power Admin-
20 istration.

21 (4) CONSENSUS.—The term “consensus” means
22 a unanimous agreement by the Working Group
23 members present and constituting at least a quorum
24 at a regularly scheduled business meeting.

1 (5) QUORUM.—The term “quorum” means one
2 more than half of those qualified Working Group
3 members appointed and eligible to serve.

4 (b) IN GENERAL.—

5 (1) The Working Group will propose ecological
6 restoration projects on both Federal and non-Fed-
7 eral lands and waters to be undertaken in the
8 Deschutes River Basin based on a consensus of the
9 Working Group, provided that such projects, when
10 involving Federal land or funds, shall be proposed to
11 the Bureau of Reclamation in the Department of the
12 Interior and any other Federal agency with affected
13 land or funds.

14 (2) The Working Group will accept donations,
15 grants or other funds and place such funds received
16 into a trust fund, to be expended on ecological res-
17 toration projects which, when involving Federal land
18 or funds, are approved by the affected Federal agen-
19 cy.

20 (3) The Bureau of Reclamation shall pay from
21 funds authorized under subsection (h) of this title
22 up to 50 percent of the cost of performing any
23 project proposed by the Working Group and ap-
24 proved by the Secretary, up to a total amount of

1 \$1,000,000 during each of the fiscal years 1997
2 through 2001.

3 (4) Non-Federal contributions to project costs
4 for purposes of computing the Federal matching
5 share under paragraph (3) of this subsection may
6 include in-kind contributions.

7 (5) Funds authorized in subsection (h) of this
8 title shall be maintained in and distributed by the
9 Bureau of Reclamation in the Department of the In-
10 terior. The Bureau of Reclamation shall not expend
11 more than 5 percent of amounts appropriated pursu-
12 ant to subsection (h) for Federal administration of
13 such appropriations pursuant to this title.

14 (6) The Bureau of Reclamation is authorized to
15 provide by grant to the Working Group not more
16 than 5 percent of funds appropriated pursuant to
17 subsection (h) of this title for not more than 50 per-
18 cent of administrative costs relating to the imple-
19 mentation of this title.

20 (7) The Federal agencies with authority and re-
21 sponsibility in the Deschutes River Basin shall pro-
22 vide technical assistance to the Working Group and
23 shall designate representatives to serve as members
24 of the Working Group.

1 (8) All funding recommendations developed by
2 the Working Group shall be based on a consensus of
3 the Working Group members.

4 (c) PUBLIC NOTICE AND PARTICIPATION.—The
5 Working Group shall conduct all meetings subject to appli-
6 cable open meeting and public participation laws. The
7 chartering requirements of 5 U.S.C. App 2 ss 1–15 are
8 hereby deemed to have been met by this section.

9 (d) PRIORITIES.—The Working Group shall give pri-
10 ority to voluntary market-based economic incentives for
11 ecosystem restoration including, but not limited to, water
12 leases and purchases; land leases and purchases; tradable
13 discharge permits; and acquisition of timber, grazing, and
14 land development rights to implement plans, programs,
15 measures, and projects.

16 (e) TERMS AND VACANCIES.—Members of the Work-
17 ing Group representing governmental agencies or entities
18 shall be named by the represented government agency.
19 Members of the Working Group representing private inter-
20 ests shall be named in accordance with the articles of in-
21 corporation and bylaws of the Working Group. Represent-
22 atives from Federal agencies will serve for terms of 3
23 years. Vacancies which occur for any reason after the date
24 of enactment of this title shall be filled in accordance with
25 this title.

1 (f) ADDITIONAL PROJECTS.—Where existing author-
2 ity and appropriations permit, Federal agencies may con-
3 tribute to the implementation of projects recommended by
4 the Working Group and approved by the Secretary.

5 (g) RIGHTS, DUTIES AND AUTHORITIES UNAF-
6 FECTED.—The Working Group will supplement, rather
7 than replace, existing efforts to manage the natural re-
8 sources of the Deschutes Basin. Nothing in this title af-
9 fects any legal right, duty or authority of any person or
10 agency, including any member of the working group.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this title
13 \$1,000,000 for each of fiscal years 1997 through 2001.

14 **TITLE IV—MOUNT HOOD CORRIDOR**

15 **SEC. 401. LAND EXCHANGE.**

16 (a) AUTHORIZATION.—Notwithstanding any other
17 law, if Longview Fibre Company (referred to in this sec-
18 tion as “Longview”) offers and conveys title that is accept-
19 able to the United States to some or all of the land de-
20 scribed in subsection (b), the Secretary of the Interior (re-
21 ferred to in this section as the “Secretary”) shall convey
22 to Longview title to some or all of the land described in
23 subsection (c), as necessary to satisfy the requirements of
24 subsection (d).

1 (b) LAND TO BE OFFERED BY LONGVIEW.—The
2 land referred to in subsection (a) as the land to be offered
3 by Longview are those lands depicted on the map entitled
4 “Mt. Hood Corridor Land Exchange Map”, dated July 18,
5 1996.

6 (c) LAND TO BE CONVEYED BY THE SECRETARY.—
7 The land referred to in subsection (a) as the land to be
8 conveyed by the Secretary are those lands depicted on the
9 map entitled “Mt. Hood Corridor Land Exchange Map”,
10 dated July 18, 1996.

11 (d) EQUAL VALUE.—The land and interests in land
12 exchanged under this section shall be of equal market
13 value as determined by nationally recognized appraisal
14 standards, including, to the extent appropriate, the Uni-
15 form Standards for Federal Land Acquisition, the Uni-
16 form Standards of Professional Appraisal Practice, or
17 shall be equalized by way of payment of cash pursuant
18 to the provisions of section 206(d) of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C. 1716(d)),
20 and other applicable law.

21 (e) REDESIGNATION OF LAND TO MAINTAIN REVE-
22 NUE FLOW.—So as to maintain the current flow of reve-
23 nue from land subject to the Act entitled “An Act relating
24 to the revested Oregon and California Railroad and recon-
25 veyed Coos Bay Wagon Road grant land situated in the

1 State of Oregon”, approved August 28, 1937 (43 U.S.C.
2 1181a et seq.), the Secretary may redesignate public do-
3 main land located in and west of Range 9 East, Willam-
4 ette Meridian, Oregon, as land subject to that Act.

5 (f) TIMETABLE.—The exchange directed by this sec-
6 tion shall be consummated not later than 1 year after the
7 date of enactment of this title.

8 (g) WITHDRAWAL OF LANDS.—All lands managed by
9 the Department of the Interior, Bureau of Land Manage-
10 ment, located in Townships 2 and 3 South, Ranges 6 and
11 7 East, Willamette Meridian, which can be seen from the
12 right-of-way of U.S. Highway 26 (in this section, such
13 lands are referred to as the “Mt. Hood Corridor Lands”),
14 shall be managed primarily for the protection or enhance-
15 ment of scenic qualities. Management prescriptions for
16 other resource values associated with these lands shall be
17 planned and conducted for purposes other than timber
18 harvest, so as not to impair the scenic qualities of the
19 area.

20 (h) TIMBER CUTTING.—Timber cutting may be con-
21 ducted on Mt. Hood Corridor Lands following a resource-
22 damaging catastrophic event. Such cutting may only be
23 conducted to achieve the following resource management
24 objectives, in compliance with the current land use plans—

1 (1) to maintain safe conditions for the visiting
2 public;

3 (2) to control the continued spread of forest
4 fire;

5 (3) for activities related to administration of
6 the Mt. Hood Corridor Lands; or

7 (4) for removal of hazard trees along trails and
8 roadways.

9 (i) ROAD CLOSURE.—The forest road gate located on
10 Forest Service Road 2503, located in T. 2 S., R. 6 E.,
11 sec. 14, shall remain closed and locked to protect resources
12 and prevent illegal dumping and vandalism. Access to this
13 road shall be limited to—

14 (1) Federal and State officers and employees
15 acting in an official capacity;

16 (2) employees and contractors conducting au-
17 thorized activities associated with the telecommuni-
18 cation sites located in T. 2 S., R. 6 E., sec. 14; and

19 (3) the general public for recreational purposes,
20 except that all motorized vehicles will be prohibited.

21 (j) NEPA EXEMPTION.—The National Environ-
22 mental Policy Act of 1969 (Public Law 91–190) shall not
23 apply to this section for one year after the date of enact-
24 ment of this title.

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as are nec-
 3 essary to carry out this section.

4 **TITLE V—COQUILLE TRIBAL FOREST**

5 **SEC. 501. CREATION OF THE COQUILLE FOREST.**

6 (a) The Coquille Restoration Act (P.L. 101–42) is
 7 amended by inserting at the end of section 5 the following:

8 “(d) CREATION OF THE COQUILLE FOREST.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) the term ‘Coquille Forest’ means cer-
 11 tain lands in Coos County, Oregon, comprising
 12 approximately 5,400 acres, as generally de-
 13 picted on the map entitled ‘Coquille Forest Pro-
 14 posal’, dated July 8, 1996.

15 “(B) the term ‘Secretary’ means the Sec-
 16 retary of the Interior.

17 “(C) the term ‘the Tribe’ means the
 18 Coquille Tribe of Coos County, Oregon.

19 “(2) MAP.—The map described in subpara-
 20 graph (d)(1)(A), and such additional legal descrip-
 21 tions which are applicable, shall be placed on file at
 22 the local District Office of the Bureau of Land Man-
 23 agement, the Agency Office of the Bureau of Indian
 24 Affairs, and with the Senate Committee on Energy

1 and Natural Resources and the House Committee on
2 Resources.

3 “(3) INTERIM PERIOD.—From the date of en-
4 actment of this subsection until two years after the
5 date of enactment of this subsection, the Bureau of
6 Land Management shall:

7 “(A) retain Federal jurisdiction for the
8 management of lands designated under this
9 subsection as the Coquille Forest and continue
10 to distribute revenues from such lands in a
11 manner consistent with existing law; and,

12 “(B) prior to advertising, offering or
13 awarding any timber sale contract on lands des-
14 ignated under this subsection as the Coquille
15 Forest, obtain the approval of the Assistant
16 Secretary for Indian Affairs, acting on behalf of
17 and in consultation with the Tribe.

18 “(4) TRANSITION PLANNING AND DESIGNA-
19 TION.—

20 “(A) During the two year interim period
21 provided for in paragraph (3), the Assistant
22 Secretary for Indian Affairs, acting on behalf of
23 and in consultation with the Tribe, is author-
24 ized to initiate development of a forest manage-
25 ment plan for the Coquille Forest. The Sec-

1 retary, acting through the Director of the Bu-
2 reau of Land Management, shall cooperate and
3 assist in the development of such plan and in
4 the transition of forestry management oper-
5 ations for the Coquille Forest to the Assistant
6 Secretary for Indian Affairs.

7 “(B) Two years after the date of enact-
8 ment of this subsection, the Secretary shall take
9 the lands identified under subparagraph
10 (d)(1)(A) into trust, and shall hold such lands
11 in trust, in perpetuity, for the Coquille Tribe.
12 Such lands shall be thereafter designated as the
13 Coquille Forest.

14 “(C) So as to maintain the current flow of
15 revenue from land subject to the Act entitled
16 ‘An Act relating to the revested Oregon and
17 California Railroad and reconveyed Coos Bay
18 Wagon Road grant land situated in the State of
19 Oregon’ (the O&C Act), approved August 28,
20 1937 (43 U.S.C. 1181a et seq.), the Secretary
21 shall redesignate, from public domain lands
22 within the tribe’s service area, as defined in this
23 Act, certain lands to be subject to the O&C Act.
24 Lands redesignated under this subparagraph
25 shall not exceed lands sufficient to constitute

1 equivalent timber value as compared to lands
2 constituting the Coquille Forest.

3 “(5) MANAGEMENT.—The Secretary of Interior,
4 acting through the Assistant Secretary for Indian
5 Affairs, shall manage the Coquille Forest under ap-
6 plicable State and Federal forestry and environ-
7 mental protection laws, and subject to critical habi-
8 tat designations under the Endangered Species Act,
9 and subject to the standards and guidelines of Fed-
10 eral forest plans on adjacent or nearby Federal
11 lands, now and in the future. The Secretary shall
12 otherwise manage the Coquille Forest in accordance
13 with the laws pertaining to the management of In-
14 dian Trust lands and shall distribute revenues in ac-
15 cord with Public Law 101–630, 25 U.S.C. 3107.

16 “(A) Unprocessed logs harvested from the
17 Coquille Forest shall be subject to the same
18 Federal statutory restrictions on export to for-
19 eign Nations that apply to unprocessed logs
20 harvested from Federal lands.

21 “(B) Notwithstanding any other provision
22 of law, all sales of timber from land subject to
23 this subsection shall be advertised, offered and
24 awarded according to competitive bidding prac-

1 tices, with sales being awarded to the highest
2 responsible bidder.

3 “(6) INDIAN SELF DETERMINATION ACT
4 AGREEMENT.—No sooner than two years after the
5 date of enactment of this subsection, the Secretary
6 may, upon a satisfactory showing of management
7 competence and pursuant to the Indian Self-Deter-
8 mination Act (25 U.S.C. 450 et seq.), enter into a
9 binding Indian self-determination agreement (agree-
10 ment) with the Coquille Indian Tribe. Such agree-
11 ment may provide for the tribe to carry out all or
12 a portion of the forest management for the Coquille
13 Forest.

14 “(A) Prior to entering such an agreement,
15 and as a condition of maintaining such an
16 agreement, the Secretary must find that the
17 Coquille Tribe has entered into a binding
18 memorandum of agreement (MOA) with the
19 State of Oregon, as required under paragraph
20 7.

21 “(B) The authority of the Secretary to re-
22 scind the Indian self-determination agreement
23 shall not be encumbered.

24 “(i) The Secretary shall rescind the
25 agreement upon a demonstration that the

1 tribe and the State of Oregon are no
2 longer engaged in a memorandum of
3 agreement as required under paragraph 7.

4 “(ii) The Secretary may rescind the
5 agreement on a showing that the Tribe has
6 managed the Coquille Forest in a manner
7 inconsistent with this subsection, or the
8 Tribe is no longer managing, or capable of
9 managing, the Coquille Forest in a manner
10 consistent with this subsection.

11 “(7) MEMORANDUM OF AGREEMENT.—The
12 Coquille Tribe shall enter into a memorandum of
13 agreement (MOA) with the State of Oregon relating
14 to the establishment and management of the
15 Coquille Forest. The MOA shall include, but not be
16 limited to, the terms and conditions for managing
17 the Coquille Forest in a manner consistent with
18 paragraph (5) of this subsection, preserving public
19 access, advancing jointly-held resource management
20 goals, achieving tribal restoration objectives and es-
21 tablishing a coordinated management framework.
22 Further, provisions set forth in the MOA shall be
23 consistent with Federal trust responsibility require-
24 ments applicable to Indian trust lands and para-
25 graph (5) of this subsection.

1 “(8) PUBLIC ACCESS.—The Coquille Forest
2 shall remain open to public access for purposes of
3 hunting, fishing, recreation and transportation, ex-
4 cept when closure is required by state or federal law,
5 or when the Coquille Indian Tribe and the State of
6 Oregon agree in writing that restrictions on access
7 are necessary or appropriate to prevent harm to nat-
8 ural resources, cultural resources or environmental
9 quality: *Provided*, That the State of Oregon’s agree-
10 ment shall not be required when immediate action is
11 necessary to protect archeological resources.

12 “(9) JURISDICTION.—

13 “(A) The United States District Court for
14 the District of Oregon shall have jurisdiction
15 over actions against the Secretary arising out of
16 claims that this subsection has been violated.
17 Consistent with existing precedents on standing
18 to sue, any affected citizen may bring suit
19 against the Secretary for violations of this sub-
20 section, except that suit may not be brought
21 against the Secretary for claims that the MOA
22 has been violated. The Court has the authority
23 to hold unlawful and set aside actions pursuant
24 to this subsection that are arbitrary and capri-

1 cious, an abuse of discretion, or otherwise an
2 abuse of law.

3 “(B) The United States District Court for
4 the District of Oregon shall have jurisdiction
5 over actions between the State of Oregon and
6 the Tribe arising out of claims of breach of the
7 MOA.

8 “(C) Unless otherwise provided for by law,
9 remedies available under this subsection shall
10 be limited to equitable relief and shall not in-
11 clude damages.

12 “(10) STATE REGULATORY AND CIVIL JURIS-
13 DICTION.—In addition to the jurisdiction described
14 in paragraph 7 of this subsection, the State of Or-
15 egon may exercise exclusive regulatory civil jurisdic-
16 tion, including but not limited to adoption and en-
17 forcement of administrative rules and orders, over
18 the following subjects:

19 “(A) management, allocation and adminis-
20 tration of fish and wildlife resources, including
21 but not limited to establishment and enforce-
22 ment of hunting and fishing seasons, bag limits,
23 limits on equipment and methods, issuance of
24 permits and licenses, and approval or dis-
25 approval of hatcheries, game farms, and other

1 breeding facilities: *Provided*, That nothing here-
2 in shall be construed to permit the State of Or-
3 egon to manage fish or wildlife habitat on
4 Coquille Forest lands;

5 “(B) allocation and administration of
6 water rights, appropriation of water and use of
7 water;

8 “(C) regulation of boating activities, in-
9 cluding equipment and registration require-
10 ments, and protection of the public’s right to
11 use the waterways for purposes of boating or
12 other navigation;

13 “(D) fills and removals from waters of the
14 State, as defined in Oregon law;

15 “(E) protection and management of the
16 State’s proprietary interests in the beds and
17 banks of navigable waterways;

18 “(F) regulation of mining, mine reclama-
19 tion activities, and exploration and drilling for
20 oil and gas deposits;

21 “(G) regulation of water quality, air qual-
22 ity (including smoke management), solid and
23 hazardous waste, and remediation of releases of
24 hazardous substances;

1 “(H) regulation of the use of herbicides
2 and pesticides; and

3 “(I) enforcement of public health and safe-
4 ty standards, including standards for the pro-
5 tection of workers, well construction and codes
6 governing the construction of bridges, buildings,
7 and other structures.

8 “(11) SAVINGS CLAUSE, STATE AUTHORITY.—

9 “(A) Nothing in this subsection shall be
10 construed to grant tribal authority over private
11 or State-owned lands.

12 “(B) To the extent that the State of Or-
13 egon is regulating the foregoing areas pursuant
14 to a delegated Federal authority or a Federal
15 program, nothing in this subsection shall be
16 construed to enlarge or diminish the State’s au-
17 thority under such law.

18 “(C) Where both the State of Oregon and
19 the United States are regulating, nothing here-
20 in shall be construed to alter their respective
21 authorities.

22 “(D) To the extent that Federal law au-
23 thorizes the Coquille Indian Tribe to assume
24 regulatory authority over an area, nothing here-

1 in shall be construed to enlarge or diminish the
2 tribe's authority to do so under such law.

3 “(E) Unless and except to the extent that
4 the tribe has assumed jurisdiction over the
5 Coquille Forest pursuant to Federal law, or
6 otherwise with the consent of the State, the
7 State of Oregon shall have jurisdiction and au-
8 thority to enforce its laws addressing the sub-
9 jects listed in subparagraph 10 of this sub-
10 section on the Coquille Forest against the
11 Coquille Indian Tribe, its members and all
12 other persons and entities, in the same manner
13 and with the same remedies and protections
14 and appeal rights as otherwise provided by gen-
15 eral Oregon law. Where the State of Oregon
16 and Coquille Indian Tribe agree regarding the
17 exercise of tribal civil regulatory jurisdiction
18 over activities on the Coquille Forest lands, the
19 tribe may exercise such jurisdiction as is agreed
20 upon.

21 “(12) In the event of a conflict between Federal
22 and State law under this subsection, Federal law
23 shall control.”

1 **TITLE VI—BULL RUN WATERSHED**
2 **PROTECTION**

3 SEC. 601. The first sentence of section 2(a) of Public
4 Law 95–200 is amended after “referred to in this sub-
5 section (a)” by striking “2(b)” and inserting in lieu there-
6 of “2(c)”.

7 SEC. 602. The first sentence of section 2(b) of Public
8 Law 95–200 is amended after “the policy set forth in sub-
9 section (a)” by inserting “and (b)”.

10 SEC. 603. Section 2(b) of Public Law 95–200 is re-
11 designated as “2(c)”.

12 SEC. 604 (a) Public Law 95–200 is amended by add-
13 ing a new subsection 2(b) immediately after subsection
14 2(a), as follows:

15 “(b) **TIMBER CUTTING.**—

16 “(1) **IN GENERAL.**—Subject to paragraph (2),
17 the Secretary of Agriculture shall prohibit the cut-
18 ting of trees in that part of the unit consisting of
19 the hydrographic boundary of the Bull Run River
20 Drainage, including certain lands within the unit
21 and located below the headworks of the city of Port-
22 land, Oregon’s water storage and delivery project,
23 and as depicted in a map dated July 22, 1996 and
24 entitled “Bull Run River Drainage”.

25 “(2) **PERMITTED CUTTING.**—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Secretary of Agriculture shall
3 prohibit the cutting of trees in the area de-
4 scribed in paragraph (1).

5 “(B) PERMITTED CUTTING.—Subject to
6 subparagraph (C), the Secretary may only allow
7 the cutting of trees in the area described in
8 paragraph (1)—

9 “(i) for the protection or enhancement
10 of water quality in the area described in
11 paragraph (1); or

12 “(ii) for the protection, enhancement,
13 or maintenance of water quantity available
14 from the area described in paragraph (1);
15 or

16 “(iii) for the construction, expansion,
17 protection or maintenance of municipal
18 water supply facilities; or

19 “(iv) for the construction, expansion,
20 protection or maintenance of facilities for
21 the transmission of energy through and
22 over the unit or previously authorized hy-
23 droelectric facilities or hydroelectric
24 projects associated with municipal water
25 supply facilities.

1 “(C) SALVAGE SALES.—The Secretary of
2 Agriculture may not authorize a salvage sale in
3 the area described in paragraph (1).”

4 (b) Redesignate subsequent subsections of Public
5 Law 95–200 accordingly.

6 **SEC. 605. REPORT TO CONGRESS.**

7 (a) The Secretary of Agriculture shall, in consultation
8 with the city of Portland and other affected parties, under-
9 take a study of that part of the Little Sandy Watershed
10 that is within the unit (hereinafter referred to as the
11 “study area”), as depicted on the map described in section
12 604 of this title.

13 (b) The study referred to in (a) shall determine—

14 (1) the impact of management activities within
15 the study area on the quality of drinking water pro-
16 vided to the Portland Metropolitan area;

17 (2) the identity and location of certain ecologi-
18 cal features within the study area, including late
19 successional forest characteristics, aquatic and ter-
20 restrial wildlife habitat, significant hydrological val-
21 ues, or other outstanding natural features; and

22 (3) the location and extent of any significant
23 cultural or other values within the study area.

24 (c) The study referred to in subsection (a) shall in-
25 clude both legislative and regulatory recommendations to

1 Congress on the future management of the study area.
2 In formulating such recommendations, the Secretary shall
3 consult with the city of Portland and other affected par-
4 ties.

5 (d) To the greatest extent possible, the Secretary
6 shall use existing data and processes to carry out this
7 study and report.

8 (e) The study referred to in subsection (a) shall be
9 submitted to the Senate Committees on Energy and Natu-
10 ral Resources and Agriculture and the House Committees
11 on Resources and Agriculture not later than one year from
12 the date of enactment of this section.

13 (f) The Secretary is prohibited from advertising, of-
14 fering or awarding any timber sale within the study area
15 for a period of two years after the date of enactment of
16 this section.

17 (g) Nothing in this section shall in any way affect
18 any State or Federal law governing appropriation, use of
19 or Federal right to water on or flowing through National
20 Forest System lands. Nothing in this section is intended
21 to influence the relative strength of competing claims to
22 the waters of the Little Sandy River. Nothing in this sec-
23 tion shall be construed to expand or diminish Federal,
24 State, or local jurisdiction, responsibility, interests, or

1 rights in water resources development or control, including
2 rights in and current uses of water resources in the unit.

3 SEC. 606. Lands within the Bull Run Management
4 Unit, as defined in Public Law 95–200, but not contained
5 within the Bull Run River Drainage, as defined by this
6 title and as depicted on the map dated July 1996 de-
7 scribed in section 604 of this title, shall continue to be
8 managed in accordance with Public Law 95–200.

9 **TITLE VII—OREGON ISLANDS**

10 **WILDERNESS, ADDITIONS**

11 **SEC. 701. OREGON ISLANDS WILDERNESS, ADDITIONS.**

12 (a) In furtherance of the purposes of the Wilderness
13 Act of 1964, certain lands within the boundaries of the
14 Oregon Islands National Wildlife Refuge, Oregon, com-
15 prising approximately ninety-five acres and as generally
16 depicted on a map entitled “Oregon Island Wilderness Ad-
17 ditions—Proposed” dated August 1996, are hereby des-
18 ignated as wilderness. The map shall be on file and avail-
19 able for public inspection in the offices of the Fish and
20 Wildlife Service, Department of the Interior.

21 (b) All other federally owned named, unnamed, sur-
22 veyed and unsurveyed rocks, reefs, islets and islands lying
23 within three geographic miles off the coast of Oregon and
24 above mean high tide, not currently designated as wilder-
25 ness and also within the Oregon Islands National Wildlife

1 Refuge boundaries under the administration of the United
2 States Fish and Wildlife Service, Department of the Inte-
3 rior, as designated by Executive Order 7035, Proclama-
4 tion 2416, Public Land Orders 4395, 4475 and 6287, and
5 Public Laws 91–504 and 95–450, are hereby designated
6 as wilderness.

7 (c) All federally owned named, unnamed, surveyed
8 and unsurveyed rocks, reefs, islets and islands lying within
9 three geographic miles off the coast of Oregon and above
10 mean high tide, and presently under the jurisdiction of
11 the Bureau of Land Management, except Chiefs Island,
12 are hereby designated as wilderness, shall become part of
13 the Oregon Islands National Wildlife Refuge and the Or-
14 egon Islands Wilderness and shall be under the jurisdic-
15 tion of the United States Fish and Wildlife Service, De-
16 partment of the Interior.

17 (d) As soon as practicable after this title takes effect,
18 a map of the wilderness area and a description of its
19 boundaries shall be filed with the Senate Committee on
20 Energy and Natural Resources and the House Committee
21 on Resources, and such map shall have the same force
22 and effect as if included in this title: *Provided, however,*
23 That correcting clerical and typographical errors in the
24 map and land descriptions may be made.

1 (e) Public Land Order 6287 of June 16, 1982, which
2 withdrew certain rocks, reefs, islets and islands lying with-
3 in three geographical miles off the coast of Oregon and
4 above mean high tide, including the ninety-five acres de-
5 scribed in subsection (a), as an addition to the Oregon
6 Islands National Wildlife Refuge is hereby made perma-
7 nent.

8 **TITLE VIII—UMPQUA RIVER LAND**

9 **EXCHANGE STUDY**

10 **SEC. 801. UMPQUA RIVER LAND EXCHANGE STUDY: POLICY** 11 **AND DIRECTION.**

12 (a) IN GENERAL.—The Secretaries of the Interior
13 and Agriculture (Secretaries) are hereby authorized and
14 directed to consult, coordinate, and cooperate with the
15 Umpqua Land Exchange Project (ULEP), affected units
16 and agencies of State and local government, and, as ap-
17 propriate, the World Forestry Center and National Fish
18 and Wildlife Foundation, to assist ULEP's ongoing efforts
19 in studying and analyzing land exchange opportunities in
20 the Umpqua River basin and to provide scientific, tech-
21 nical, research, mapping and other assistance and infor-
22 mation to such entities. Such consultation, coordination,
23 and cooperation shall at a minimum include, but not be
24 limited to:

1 (1) working with ULEP to develop or assemble
2 comprehensive scientific and other information (in-
3 cluding comprehensive and integrated mapping) con-
4 cerning the Umpqua River Basin's resources of for-
5 est, plants, wildlife, fisheries (anadromous and
6 other), recreational opportunities, wetlands, riparian
7 habitat, and other physical or natural resources;

8 (2) working with ULEP to identify general or
9 specific areas within the basin where land exchanges
10 could promote consolidation of forestland ownership
11 for long-term, sustained timber production; protec-
12 tion and restoration of habitat for plants, fish, and
13 wildlife (including any federally listed threatened or
14 endangered species); protection of drinking water
15 supplies; recovery of threatened and endangered spe-
16 cies; protection and restoration of wetlands, riparian
17 lands, and other environmentally sensitive areas;
18 consolidation of land ownership for improved public
19 access and a broad array of recreational uses; and
20 consolidation of land ownership to achieve manage-
21 ment efficiency and reduced costs of administration;
22 and

23 (3) developing a joint report for submission to
24 the Congress which discusses land exchange oppor-
25 tunities in the basin and outlines either a specific

1 land exchange proposal or proposals which may
2 merit consideration by the Secretaries or the Con-
3 gress, or ideas and recommendations for new au-
4 thorizations, direction, or changes in existing law or
5 policy to expedite and facilitate the consummation of
6 beneficial land exchanges in the basin via adminis-
7 trative means.

8 (b) MATTERS FOR SPECIFIC STUDY.—In analyzing
9 land exchange opportunities with ULEP, the Secretaries
10 shall give priority to assisting ULEP’s ongoing efforts in:

11 (1) studying, identifying, and mapping areas
12 where the consolidation of land ownership via land
13 exchanges could promote the goals of long term spe-
14 cies and watershed protection and utilization, includ-
15 ing but not limited to the goals of the Endangered
16 Species Act of 1973 more effectively than current
17 land ownership patterns and whether any changes in
18 law or policy applicable to such lands after con-
19 summation of an exchange would be advisable or
20 necessary to achieve such goals;

21 (2) studying, identifying and mapping areas
22 where land exchanges might be utilized to better sat-
23 isfy the goals of sustainable timber harvest, includ-
24 ing studying whether changes in existing law or pol-
25 icy applicable to such lands after consummation of

1 an exchange would be advisable or necessary to
2 achieve such goals;

3 (3) identifying issues and studying options and
4 alternatives, including possible changes in existing
5 law or policy, to insure that combined post-exchange
6 revenues to units of local government from State
7 and local property, severance, and other taxes or lev-
8 ies and shared Federal land receipts will approxi-
9 mate pre-exchange revenues;

10 (4) identifying issues and studying whether pos-
11 sible changes in law, special appraisal instruction, or
12 changes in certain Federal appraisal procedures
13 might be advisable or necessary to facilitate the ap-
14 praisal of potential exchange lands which may have
15 special characteristics or restrictions affecting land
16 values;

17 (5) identifying issues and studying options and
18 alternatives, including changes in existing laws or
19 policy, for achieving land exchanges without reduc-
20 ing the net supply of timber available to small busi-
21 nesses;

22 (6) identifying, mapping, and recommending
23 potential changes in land use plans, land classifica-
24 tions, or other actions which might be advisable or

1 necessary to expedite, facilitate or consummate land
2 exchanges in certain areas;

3 (7) analyzing potential sources for new or en-
4 hanced Federal, State, or other funding to promote
5 improved resource protection, species recovery, and
6 management in the basin; and

7 (8) identifying and analyzing whether increased
8 efficiency and better land and resource management
9 could occur through either consolidation of Federal
10 forest management under one agency or exchange
11 lands between the Forest Service and the Bureau of
12 Land Management.

13 **SEC. 802. REPORT TO CONGRESS.**

14 No later than February 1, 1998, ULEP and the Sec-
15 retaries shall submit a joint report to the Committee on
16 Resources of the United States House of Representatives
17 and to the Committee on Energy and Natural Resources
18 of the United States Senate concerning their studies, find-
19 ings, recommendations, mapping and other activities con-
20 ducted pursuant to this title.

21 **SEC. 803. AUTHORIZATION OF APPROPRIATIONS.**

22 In furtherance of the purposes of this title, there is
23 hereby authorized to be appropriated the sum of \$2 mil-
24 lion, to remain available until expended.

1 **TITLE III—LOCAL EMPOWERMENT AND**
2 **FLEXIBILITY PILOT ACT OF 1996**

3 **SECTION 301. SHORT TITLE.**

4 This Act may be cited as the “Local Empowerment
5 and Flexibility Pilot Act of 1996.”

6 **SEC. 302. FINDINGS.**

7 The Congress finds that—

8 (1) historically, Federal programs have ad-
9 dressed the Nation’s problems by providing categor-
10 ical financial assistance with detailed requirements
11 relating to the use of funds;

12 (2) while the assistance described in paragraph
13 (1) has been directed at critical problems, some pro-
14 gram requirements may inadvertently impede the ef-
15 fective delivery of services;

16 (3) the Nation’s State, local, and tribal govern-
17 ments and private, nonprofit organizations are deal-
18 ing with increasingly complex problems which re-
19 quire the delivery of many kinds of services;

20 (4) our nation’s communities are diverse and
21 many have innovative planning and community in-
22 volvement strategies to comprehensively meet their
23 particular service needs for providing services, but
24 Federal, State, and local grant and other require-

1 ments often hamper effective implementation of such
2 strategies.

3 (5) it is more important than ever to provide
4 programs that—

5 (A) promote more effective and efficient
6 delivery of services at all levels of government
7 to meet the full range of needs of individuals,
8 families, and society;

9 (B) respond flexibly to the diverse needs of
10 the Nation's communities;

11 (C) reduce the barriers between programs
12 that impede the State, local, and tribal govern-
13 ments' ability to effectively deliver services; and

14 (D) empower State, local, and tribal gov-
15 ernments and private, nonprofit organizations
16 to be innovative in creating programs that meet
17 the unique needs of their communities while
18 continuing to address national policy goal.

19 **SEC. 303. PURPOSES.**

20 The purposes of this Act are to—

21 (1) improve the delivery of services to the pub-
22 lic;

23 (2) promote State, local and tribal governments
24 and private, non-profit organizations and consor-

1 tiums to identify goals to improve their communities
2 and the lives of their citizens;

3 (3) enable eligible applicants to adapt programs
4 of Federal financial assistance to the particular
5 needs of their communities by integrating programs
6 and program funds across existing Federal financial
7 assistance programs that have similar goals and pur-
8 poses;

9 (4) more effectively meet the goals and pur-
10 poses of Federal, State and local financial assistance
11 programs;

12 (5) empower eligible applicants to work to-
13 gether to build stronger cooperative, intergovern-
14 mental and private partnerships to address critical
15 service problems;

16 (6) place less emphasis in Federal financial as-
17 sistance programs on complying with procedures and
18 more emphasis on achieving Federal, State, local
19 and tribal policy goals;

20 (7) facilitate State, local, and tribal government
21 efforts to develop regional or metropolitan solutions
22 to shared problems; and

23 (8) improve intergovernmental efficiency.

24 **SEC. 304. DEFINITIONS.**

25 For purposes of this Act:

1 (1) AFFECTED FEDERAL AGENCY.—The term
2 “affected Federal agency” means the Federal agency
3 with principal authority for the administration of an
4 eligible Federal financial assistance program in-
5 cluded in a plan.

6 (2) AFFECTED STATE AGENCY.—The term “af-
7 fected State agency” means—

8 (A) any State agency with authority for
9 the administration of any State program or eli-
10 gible Federal financial assistance program; and

11 (B) with respect to education programs,
12 the term shall include the State Education
13 Agency as defined by the Elementary and Sec-
14 ondary Education Act and the Higher Edu-
15 cation Act.

16 (3) APPROVED FLEXIBILITY PLAN.—The term
17 “approved flexibility plan” means a flexibility plan
18 or that part of a flexibility plan, that is approved by
19 the Community Empowerment Board under section
20 8.

21 (4) BOARD.—The term “Board” means the
22 Community Empowerment Board established under
23 section 5.

1 (5) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and Budg-
3 et.

4 (6) ELIGIBLE APPLICANT.—The term “eligible
5 applicant” means a State, local, or tribal govern-
6 ment, qualified organization, or qualified consortium
7 that is eligible to receive financial assistance under
8 1 or more eligible Federal financial assistance pro-
9 gram.

10 (7) ELIGIBLE FEDERAL FINANCIAL ASSISTANCE
11 PROGRAM.—The term “eligible Federal financial as-
12 sistance program”—

13 (A) except as provided in subparagraph
14 (B), means a domestic assistance program (as
15 defined under section 6101(4) of title 31, Unit-
16 ed States Code) under which financial assist-
17 ance is available, directly or indirectly, to a
18 State, local, or tribal government or a qualified
19 organization to carry out activities consistent
20 with national policy goals; and

21 (B) does not include—

22 (i) a Federal program under which di-
23 rect financial assistance is provided by the
24 Federal Government directly to an individ-
25 ual beneficiary of that financial assistance,

1 or to a State to provide direct financial as-
2 sistance, or to a State to provide direct fi-
3 nancial or food voucher assistance directly
4 to an individual beneficiary;

5 (ii) a program carried out with direct
6 spending (as defined in section 250(c)(8)
7 of the Balanced Budget and Emergency
8 Deficit Control Act of 1985 (2 U.S.C.
9 900(c)(8)); or

10 (iii) a program of assistance referred
11 to in section 6101(4)(A)(ix) of title 31,
12 United States Code or Section 3(10) of the
13 Congressional Budget Act of 1974.

14 (iv) any project specially designated in
15 an appropriations act or its accompanying
16 report.

17 (10) FLEXIBILITY PLAN.—The term “flexibility
18 plan” means a comprehensive plan or part of such
19 plan for the coordination or integration and the ad-
20 ministration by an eligible applicant of financial as-
21 sistance provided by the Federal Government under
22 two or more eligible Federal financial assistance pro-
23 grams that includes funds from Federal, State, local,
24 or tribal government or private sources to address
25 the service needs of a community.

1 (11) GOALS AND PURPOSES.—The term “goals
2 and purposes” means the goals and purposes em-
3 bodied in an eligible Federal financial assistance
4 program, including the targeted population embodied
5 in that program.

6 (12) LOCAL GOVERNMENT.—The term “local
7 government” means—

8 (A) a political subdivision of a State that
9 is a unit of general local government (as de-
10 fined under section 6501 of title 31, United
11 States Code);

12 (B) any combination of political subdivi-
13 sions described in subparagraph (A) that sub-
14 mits an application to the Board; or

15 (C) a local educational agency as defined
16 under section 14101(18) of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C.
18 8801(18)).

19 (13) QUALIFIED CONSORTIUM.—The term
20 “qualified consortium” means a group that is com-
21 posed of two or more qualified organizations, State,
22 local, or tribal agencies that receive federally appro-
23 priated funds.

24 (14) QUALIFIED ORGANIZATION.—The term
25 “qualified organization” means a private, nonprofit

1 organization described in section 501(c)(3) of the
2 Internal Revenue Code of 1986 (26 U.S.C.
3 501(c)(3)) that is exempt from taxation under sec-
4 tion 501(a) of the Internal Revenue Code of 1986
5 (26 U.S.C. 501(a)).

6 (15) SMALL GOVERNMENT.—The term “small
7 government” means any small governmental jurisdic-
8 tion defined in section 601(5) of title 5, United
9 States Code, and a tribal government.

10 (16) STATE.—The term “State” means each of
11 the 50 States, the District of Columbia, Puerto Rico,
12 American Samoa, Guam, and the Virgin Islands.

13 (17) STATE LEGISLATIVE OFFICIAL.—The term
14 “State legislative official” means—

15 (A) the presiding officer of a chamber of a
16 State legislature; and

17 (B) the minority leader of a chamber of a
18 State legislature.

19 (18) TRIBAL GOVERNMENT.—The term “tribal
20 government” means the governing entity of an In-
21 dian tribe, as that term is defined in the Indian Self
22 Determination and Education Assistance Act (25
23 U.S.C. 450b).

1 **SEC. 305. ESTABLISHMENT OF COMMUNITY**
2 **EMPOWERMENT BOARD.**

3 (a) IN GENERAL.—There is established a Community
4 Empowerment Board, which shall consist of—

5 (1) the Secretary of Housing and Urban Devel-
6 opment;

7 (2) the Secretary of Health and Human Serv-
8 ices;

9 (3) the Secretary of Agriculture;

10 (4) the Secretary of Transportation;

11 (5) the Secretary of Education;

12 (6) the Secretary of Commerce;

13 (7) the Secretary of Labor;

14 (8) the Secretary of the Treasury;

15 (9) the Attorney General;

16 (10) the Secretary of the Interior;

17 (11) the Secretary of Energy;

18 (12) the Secretary of Veterans Affairs;

19 (13) the Secretary of Defense;

20 (14) the Director of the Federal Emergency
21 Management Agency;

22 (15) the Administrator of the Environmental
23 Protection Agency;

24 (16) the Director of the National Drug Control
25 Policy;

1 (17) the Administrator of the Small Business
2 Administration;

3 (18) the Director of the Office of Management
4 and Budget;

5 (19) the Administrator of General Services; and

6 (20) other officials of the Executive Branch as
7 directed by the President.

8 (b) CHAIR.—The President shall designate the Chair
9 of the Board from among its members.

10 (c) FUNCTIONS.—

11 (1) IN GENERAL.—The Board shall—

12 (A) no later than 180 days after imple-
13 mentation of this Act, select 6 states to partici-
14 pate in this Act;

15 (B) receive, review, and approve or dis-
16 approve flexibility plans in accordance with sec-
17 tion 7;

18 (C) consider all requests for technical as-
19 sistance from eligible applicants and, when ap-
20 propriate, provide or direct that an affected
21 Federal agency provide the head of an agency
22 that administers an eligible Federal financial
23 assistance program under which substantial
24 Federal financial assistance would be provided
25 under the plan to provide technical assistance

1 to the eligible applicant, and to the extent per-
2 mitted by law, special assistance to interested
3 small governments to support the development
4 and implementation of a flexibility plan, which
5 may include expedited processing;

6 (D) in consultation with the Director, mon-
7 itor the progress of development and implemen-
8 tation of flexibility plans;

9 (E) in consultation with the Director, co-
10 ordinate and assist Federal agencies in identify-
11 ing regulations of eligible Federal financial as-
12 sistance programs for revision, repeal and co-
13 ordination;

14 (F) evaluate performance standards and
15 evaluation criteria for eligible Federal financial
16 assistance programs, and make specific rec-
17 ommendations to agencies regarding how to re-
18 vise such standards and criteria in order to es-
19 tablish specific performance and outcome meas-
20 ures upon which the success of such programs
21 and the success of the plan may be compared
22 and evaluated; and

23 (G) designate a Federal agency to be pri-
24 marily responsible for the oversight, monitoring,
25 and evaluation of the implementation of a plan.

1 (2) QUALIFICATIONS FOR STATES.—Of the 6
2 States selected for participation under paragraph
3 1—

4 (A) 3 States shall each have a population
5 of 3,500,000 or more as determined under the
6 most recent decennial census; and

7 (B) 3 States shall each have a population
8 of 3,500,000 or less as determined under the
9 most recent decennial census.

10 (d) COORDINATION AND ASSISTANCE.—The Director,
11 in consultation with the Board, shall coordinate and assist
12 Federal agencies in creating—

13 (1) a uniform application to be used to apply
14 for assistance from eligible Federal financial assist-
15 ance programs;

16 (2) a release form to be used by grantees to fa-
17 cilitate, where appropriate and otherwise lawful, the
18 sharing of information across eligible Federal finan-
19 cial assistance programs; and

20 (3) a system wherein an organization or consor-
21 tium of organizations may use one proposal to apply
22 for funding from multiple eligible Federal financial
23 assistance programs.

24 (e) DETAILS AND ASSIGNMENTS TO BOARD.—At the
25 request of the Board and with the approval of the appro-

1 priate Federal agency, staff of the agency may be detailed
2 or assigned to the Board on a nonreimbursable basis.

3 (f) INTERAGENCY FINANCING.—Notwithstanding any
4 other law, interagency financing is authorized to carry out
5 the purposes of this Act.

6 (g) JUDICIAL REVIEW.—The actions of the Board
7 shall not be subject to judicial review.

8 **SEC. 306. APPLICATION FOR APPROVAL OF FLEXIBILITY**
9 **PLAN.**

10 (a) IN GENERAL.—An eligible applicant may submit
11 to the Board in accordance with this section an application
12 for approval of a flexibility plan.

13 (b) CONTENTS OF APPLICATION.—An application
14 submitted under this section shall include—

15 (1) a proposed flexibility plan that complies
16 with subsection (c);

17 (2) written certification by the chief executive
18 of the applicant, and such additional assurances as
19 may be required by the Board, that—

20 (A) the applicant has the ability, authority,
21 and resources to implement the proposed plan,
22 throughout the geographic area in which the
23 proposed plan is intended to apply;

24 (B) amounts are available from non-Fed-
25 eral sources to pay the non-Federal share of all

1 eligible Federal financial assistance programs
2 included in the proposed plan; and

3 (C) the flexibility plan prohibits the inte-
4 gration or combination of program funds across
5 existing Federal financial assistance programs
6 which do not have similar goals and purposes.

7 (3) all comments on the proposed plan submit-
8 ted under subsection (d) by a Governor, affected
9 State agency, State legislative official, or a chief ex-
10 ecutive of a local or tribal government that would be
11 directly affected by implementation of the proposed
12 plan, and the applicant's responses to those com-
13 ments;

14 (4) written documentation that the eligible ap-
15 plicant informed the affected community of the con-
16 tents of the plan and gave the public and the af-
17 fected population the opportunity to comment upon
18 the plan, including at least one public hearing in-
19 volving agencies, qualified organizations, eligible in-
20 tended beneficiaries of the plan, and others directly
21 affected by the plan;

22 (5) the public comments, which shall include
23 the comments of the affected population, received on
24 the plan and the applicant's responses to the signifi-
25 cant comments; and

1 (6) other relevant information the Board may
2 require to review or approve the proposed plan.

3 (c) CONTENTS OF PLAN.—A flexibility plan submit-
4 ted by an eligible applicant under this section shall in-
5 clude—

6 (1) the geographic area and timeframe to which
7 the plan applies and the rationale for selecting the
8 area and timeframe;

9 (2) the particular groups of individuals, by serv-
10 ice needs, economic circumstances, or other defining
11 factors, who currently receive services and benefits
12 under the eligible Federal financial assistance pro-
13 grams included in the plan and the particular groups
14 of individuals, by service needs, economic cir-
15 cumstances, or other defining factors who would re-
16 ceive services and benefits under the plan;

17 (3) the specific goals and measurable perform-
18 ance criteria that demonstrate how the plan is ex-
19 pected to improve the delivery and effectiveness of
20 services to the targeted population, including—

21 (A) a description of how performance shall
22 be measured under the plan when compared to
23 the current performance of the eligible Federal
24 financial assistance programs included in the
25 plan; and

1 (B) a system for the comprehensive evalua-
2 tion of the impact of the plan on individuals
3 who receive services and benefits in the commu-
4 nity affected by the plan, that shall include—

5 (i) a list of goals to improve the com-
6 munity and the lives of its citizens in the
7 geographic area covered by the plan;

8 (ii) a list of goals identified by the
9 State in which the plan is to be imple-
10 mented, if such goals have been established
11 by the State; and

12 (iii) a description of how the plan
13 will—

14 (I) attain the goals listed in
15 clauses (i) and (ii);

16 (II) measure performance; and

17 (III) collect and maintain data;

18 (4) the eligible Federal financial assistance pro-
19 grams included in the plan and the specific services
20 and benefits to be provided under the plan under
21 such programs, including—

22 (A) criteria for determining eligibility for
23 services and benefits under the plan;

24 (B) the services and benefits available
25 under the plan;

1 (C) the amounts and form (such as cash,
2 in-kind contributions, or financial instruments)
3 of non-service benefits; and

4 (D) any other descriptive information the
5 Board considers necessary to approve the plan;

6 (5) a description of the goals and purposes of
7 each Federal financial assistance program included
8 in the plan and how the goals and purposes of such
9 programs shall more effectively be met at the State,
10 local and tribal level;

11 (6) a general description of how the plan appro-
12 priately addresses any effect that administration of
13 each eligible Federal financial assistance program
14 included in the plan would have on the administra-
15 tion of programs not included in the plan;

16 (7) a description of how the flexibility plan will
17 adequately achieve the purposes of this Act;

18 (8) except for the requirements described under
19 section 7(f)(3), any Federal statutory or regulatory
20 requirement of an eligible Federal financial assist-
21 ance program included in the plan, the waiver of
22 which is necessary to implement the plan, and the
23 detailed justification for the waiver request;

24 (9) any State, local, or tribal statutory, regu-
25 latory, or other requirement, the waiver of which is

1 necessary to implement the plan, and an indication
2 of commitment of the appropriate State, local, or
3 tribal governments to grant such waivers;

4 (10) a description of the Federal fiscal control
5 and related accountability procedures to be followed
6 under the flexibility plan and, as necessary, an ex-
7 planation of how such procedures will not diminish
8 existing Federal requirements;

9 (11) a description of the sources and amounts
10 of all non-Federal funds that are required to carry
11 out eligible Federal financial assistance programs in-
12 cluded in the plan;

13 (12) verification that Federal funds made avail-
14 able under the plan will not supplant non-Federal
15 funds for existing services and activities that pro-
16 mote the goals of the plan;

17 (13) verification that none of the Federal funds
18 under the plan would be used to—

19 (A) meet maintenance of effort require-
20 ments of such an activity; or

21 (B) meet State, local, or tribal matching
22 shares; and

23 (14) any other relevant information the Board
24 may require to approve the plan;

25 (d) PROCEDURE FOR APPLYING.—

1 (1) SUBMISSION TO AFFECTED STATE AND
2 LOCAL GOVERNMENTS.—An eligible applicant shall
3 submit an application for approval of a proposed
4 flexibility plan to each State government and each
5 local government that the applicant deems to be di-
6 rectly affected by the plan, at least 60 days before
7 submitting the application to the Board.

8 (2) REVIEW BY AFFECTED GOVERNMENT.—The
9 Governor, affected State agency head, State legisla-
10 tive official, and the chief executive officer of a local
11 government that receives an application submitted
12 under paragraph (1) may each, by no later than 60
13 days after the date of that receipt—

14 (A) prepare comments on the proposed
15 flexibility plan included in the application;

16 (B) describe and make commitments to
17 waive any State or local laws or other require-
18 ments which are necessary for successful imple-
19 mentation of the proposed plan; and

20 (C) submit the comments and commit-
21 ments to the eligible applicant.

22 (3) SUBMITTAL TO BOARD.—Applications for
23 approval of a flexibility plan shall only be submitted
24 to the Board between—

1 (A) October 1, 1997 and March 31, 1998;

2 or

3 (B) October 1, 1998 and March 31, 1999.

4 (4) ACTION BY AFFECTED GOVERNMENT.—If
5 the Governor, affected State agency head, State leg-
6 islative official or the chief executive officer of a
7 local government—

8 (A) fails to act on or otherwise endorse a
9 plan application within 60 days after receiving
10 an application under paragraph (1);

11 (B) does not make and submit to the eligi-
12 ble applicant the commitments described in
13 paragraph (2) (A) and (B); or

14 (C) disagrees with all or part of the pro-
15 posed flexibility plan; the eligible applicant may
16 submit the application to the Board if the appli-
17 cation is amended as necessary for the success-
18 ful implementation of the proposed plan without
19 the commitment made under paragraph (2)(B),
20 including by adding an updated description of
21 the ability of the proposed flexibility plan to
22 meet plan goals and satisfy performance cri-
23 teria in the absence of statutory and regulatory
24 waivers and financial and technical support
25 from the State or local government.

1 (e) TRIBAL SOVEREIGNTY.—Nothing under this Act
2 shall be construed to affect, or otherwise alter, the sov-
3 ereign relationship between tribal governments and the
4 Federal Government.

5 (f) ELIGIBILITY FOR OTHER ASSISTANCE.—Dis-
6 approval by the Board of a flexibility plan submitted by
7 an eligible applicant under this Act shall not affect the
8 eligibility of the applicant for assistance under any Fed-
9 eral program.

10 (g) STATE, LOCAL, OR TRIBAL AUTHORITY.—Noth-
11 ing in this Act shall be construed to grant the Board, Fed-
12 eral agency, or any eligible applicant authority to waive
13 or otherwise preempt—

14 (1) any State, local, or tribal law or regulation
15 including the legal authority under State law of any
16 affected State agency, State entity, or public official
17 over programs that are under the jurisdiction of the
18 agency, entity or official; or

19 (2) the existing authority of a State, local, or
20 tribal government or qualified organization or con-
21 sortium with respect to an eligible Federal financial
22 assistance program included in the plan unless such
23 entity, has consented to the terms of the plan.

1 **SEC. 307. REVIEW AND APPROVAL OF FLEXIBILITY PLANS**
2 **AND WAIVER REQUESTS.**

3 (a) REVIEW OF APPLICATIONS.—Upon receipt of an
4 application for approval of a proposed flexibility plan, the
5 Board shall notify the eligible applicant as to whether or
6 not the plan is complete. If the Board determines a plan
7 is complete, the Board shall—

8 (1) establish procedures for consultation with
9 the applicant during the review process;

10 (2) publish notice of the application for ap-
11 proval in the Federal Register and make available
12 the contents to any interested party upon written re-
13 quest;

14 (3) if appropriate, coordinate public hearings on
15 the plan by either the Board or the appropriate Fed-
16 eral agency;

17 (4) approve or disapprove plans submitted
18 under—

19 (i) section 6(d)(3)(A) no later than July
20 31, 1998; or

21 (ii) section 6(d)(3)(B) no later than July
22 31, 1999;

23 (5) in the case of any disapproval of a plan, in-
24 clude written justification of the reasons for dis-
25 approval in the notice of disapproval sent to the ap-
26 plicant;

1 (6) publicly announce and forward to Congress
2 on July 31, 1998 and July 31, 1999, the list of ap-
3 proved flexibility plans, including an identification of
4 approved plans that request statutory or regulatory
5 waivers and the identification of such requested
6 waivers.

7 (b) APPROVAL.—

8 (1) IN GENERAL.—The Board may approve a
9 flexibility plan for which an application is submitted
10 by an eligible applicant under this Act, if the Board
11 determines that—

12 (A) the contents of the application for ap-
13 proval of the plan comply with the requirements
14 of this Act; and

15 (B) the contents of the flexibility plan indi-
16 cate that the plan will effectively achieve the
17 purposes of this Act described in section 3 by
18 adhering to the conditions described in sections
19 6 and 7;

20 (2) RESTRICTION.—(A) The Board may ap-
21 prove no more than 30 plans; and

22 (B) only three approved plans may be submit-
23 ted by State applicants.

1 (3) REQUIREMENT TO DISAPPROVE PLAN.—The
2 Board must disapprove a flexibility plan if the Board
3 determines that—

4 (A) implementation of the plan would re-
5 sult in any increase in the total amount of obli-
6 gations or outlays of discretionary appropria-
7 tions or direct spending under Federal financial
8 assistance programs, over the amounts of such
9 obligations and outlays that would occur under
10 those programs without implementation of the
11 plan; or

12 (B) the flexibility plan fails to comply with
13 paragraph (1).

14 (4) SPECIFICATION OF PERIOD OF EFFECTIVE-
15 NESS.—In approving any flexibility plan, the Board
16 shall specify the period during which the plan is ef-
17 fective, which in no case shall be greater than 5
18 years from the date of approval.

19 (d) MEMORANDA OF UNDERSTANDING REQUIRED.—

20 (1) IN GENERAL.—An approved flexibility plan
21 may not take effect until the Board receives a signed
22 memorandum of understanding agreed to by the eli-
23 gible applicant that would receive Federal financial
24 assistance administered under the flexibility plan
25 and by each affected Federal agency.

1 (2) CONTENTS.—A memorandum of under-
2 standing under this subsection shall specify all un-
3 derstandings that have been reached by the affected
4 Federal agencies and the eligible applicant. The
5 memorandum shall include understandings with re-
6 spect to—

7 (A) the conditions described in sections 6
8 and 7;

9 (B) the effective dates of all State, local, or
10 tribal government waivers;

11 (C) technical or special assistance being
12 provided to the eligible applicant;

13 and

14 (D) the effective date and timeframe of the
15 plan and each Federal waiver approved in the
16 plan;

17 (E)(i) the total amount of Federal funds
18 that will be provided as services and benefits
19 under or used to administer eligible Federal fi-
20 nancial assistance programs included in the
21 plan; or

22 (ii) a mechanism for determining that
23 amount, including specification of the total
24 amount of Federal funds that will be provided

1 or used under each eligible Federal financial as-
2 sistance program included in the plan.

3 (3) CONDITION FOR APPROVAL OF WAIVER RE-
4 QUEST.—Prior to entrance into the memorandum
5 with an eligible applicant, the affected Federal agen-
6 cies may approve a waiver if it is consistent with the
7 goals and purposes of the eligible Federal financial
8 assistance program included in the plan.

9 (e) LIMITATION ON CONFIDENTIALITY REQUIRE-
10 MENTS.—The Board may not, as a condition of approval
11 of a flexibility plan or with respect to the implementation
12 of an approved flexibility plan, establish any confidential-
13 ity requirement that would—

14 (1) impede the exchange of information needed
15 for the design or provision of services and benefits
16 under the plans; or

17 (2) conflict with law.

18 (f) LIMITATION ON THE USE OF FUNDS.—The
19 Board may not approve any plan that includes funds
20 under an eligible Federal financial assistance program
21 to—

22 (1) to support tuition vouchers for children at-
23 tending private preschool, elementary, or secondary
24 schools, including before and after school programs;
25 or

1 (2) otherwise pay their cost of attending such
2 schools.

3 (g) WAIVERS OF FEDERAL REQUIREMENTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 law and subject to the provisions of this Act, includ-
6 ing paragraphs (2) and (3), affected Federal agen-
7 cies may waive, for a period of time not to exceed
8 5 years from the date the Board receives a signed
9 memorandum of understanding, any statutory or
10 regulatory requirement of an eligible Federal assist-
11 ance program included in an approved flexibility
12 plan of an eligible applicant if that waiver is—

13 (A) necessary for implementation of the
14 flexibility plan;

15 (B) not disapproved by the Board; and

16 (C) necessary to effectively achieve the
17 purposes of this Act described in section 3 by
18 adhering to the conditions described in sections
19 6 and 7;

20 (2) EFFECTIVE PERIOD OF WAIVER.—A waiver
21 granted under this section shall terminate on the
22 earlier of—

23 (A) the expiration of a period specified by
24 the affected Federal agency not to exceed five

1 years from the date the Board receives the
2 signed memorandum of understanding; or

3 (B) any date on which the flexibility plan
4 for which the waiver is granted ceases to be ef-
5 fective;

6 (3) RESTRICTION ON WAIVER AUTHORITY.—An
7 affected Federal agency may not grant a waiver for
8 a statutory or regulatory requirement of an eligible
9 Federal financial assistance program requested
10 under this section that—

11 (A) may be waived under another provision
12 of law except in accordance with the require-
13 ments and limitations imposed by that other
14 provision of law;

15 (B) enforces statutory or constitutional
16 rights of individuals including the right to equal
17 access and opportunity in housing and edu-
18 cation, including any requirement under the In-
19 dividuals with Disabilities Education Act (20
20 U.S.C. 1400 et seq);

21 (C) enforces any civil rights that prohibit
22 discrimination on the basis of race, color, reli-
23 gion, sex, national origin, age, handicap, or dis-
24 ability;

1 (D) protects public health and safety, the
 2 environment, labor standards, worker rights,
 3 health and pension benefits and worker health
 4 safety;

5 (E) provides for a maintenance of effort,
 6 matching share or prohibition on supplanting;
 7 or

8 (F) grants any person a cause of action.

9 **SEC. 308. IMPLEMENTATION, AMENDING AND TERMI-**
 10 **NATION OF APPROVED FLEXIBILITY PLANS.**

11 (a) IMPLEMENTATION.—

12 (1) The Board, in consultation with the Direc-
 13 tor, shall issue guidance to implement this Act with-
 14 in 180 days after the date of enactment of this Act.

15 (2) Notwithstanding any other law, any service
 16 or benefit that is provided under an eligible Federal
 17 financial assistance program included in an approved
 18 flexibility plan shall be paid and administered in the
 19 manner specified in the approved flexibility plan.

20 (3) The authority provided under this Act to
 21 waive provisions of grant agreements may be exer-
 22 cised only as long as the funds provided for the
 23 grant program in question are available for obliga-
 24 tion by the Federal Government.

25 (b) AMENDING OF FLEXIBILITY PLAN.—

1 (1) In the event that an eligible applicant—

2 (A) desires an amendment to an approved
3 flexibility plan in order to better meet the pur-
4 poses of this Act; or

5 (B) requires an amendment to ensure con-
6 tinued implementation of an approved flexibility
7 plan, the applicant shall—

8 (i) submit the proposed amendment to
9 the Board for review and approval; and

10 (ii) upon approval, enter into a revised
11 memorandum of understanding with the
12 affected Federal agency.

13 (2) Approval by the Board and, when appro-
14 priate, affected Federal agency, shall be based upon
15 the same conditions required for approval of a flexi-
16 bility plan.

17 (c) TERMINATION OF PLAN.—

18 (1) TERMINATION OF PLAN BY BOARD.—

19 (A) IN GENERAL.—The Board shall termi-
20 nate an approved flexibility plan, if, after con-
21 sultation with the affected Federal agencies, the
22 Board determines that—

23 (i) the applicant of the approved flexi-
24 bility plan is unable to meet the commit-
25 ments under this Act; or

1 (ii) audit or oversight activities deter-
2 mine there has been fraud or abuse involv-
3 ing Federal funds under the plan.

4 (B) TRANSITION PERIOD.—In terminating
5 an approved flexibility plan under this para-
6 graph, the Board shall allow a reasonable pe-
7 riod of time for appropriate Federal agencies
8 and eligible applicants to resume administration
9 of Federal programs that are eligible Federal fi-
10 nancial assistance programs included in the
11 plan.

12 (2) REVOCATION OF WAIVER.—

13 (A) The Board may recommend that an af-
14 fected Federal agency, and an affected Federal
15 agency may, revoke a waiver under section 7(f)
16 if the applicant of the approved flexibility plan
17 fails to—

18 (i) comply with the requirements of
19 the plan;

20 (ii) make acceptable progress towards
21 achieving the goals and performance cri-
22 teria set forth in the plan; or

23 (iii) use funds in accordance with the
24 plan.

1 (B) Affected Federal agencies shall revoke all
2 waivers issued under section 7(f) for a flexibility
3 plan if the Board terminates the plan.

4 (C) EXPLANATION REQUIRED.—In the case of
5 termination of a plan or revocation of a waiver, as
6 appropriate, the Board or affected Federal agencies
7 shall provide for the former eligible applicant a writ-
8 ten justification of the reasons for termination or
9 revocation.

10 **SEC. 309. EVALUATIONS AND REPORTS.**

11 (a) APPROVED APPLICANTS.—

12 (1) IN GENERAL.—An applicant of an approved
13 flexibility plan, in accordance with guidance issued
14 by the Board, shall—

15 (A) submit any reports on and cooperate
16 in any audits of the implementation of its ap-
17 proved flexibility plan; and

18 (B) monitor the effect implementation of
19 the plan has had on—

20 (i) individuals who receive services
21 and benefits under the plan;

22 (ii) communities in which those indi-
23 viduals live;

24 (iii) costs of administering and provid-
25 ing assistance under eligible Federal finan-

1 cial assistance programs included in the
2 plan; and

3 (iv) performance of the eligible Fed-
4 eral financial assistance programs included
5 in the plan compared to the performance
6 of such programs prior to implementation
7 of the plan.

8 (2) INITIAL 1-YEAR REPORT.—No later than 90
9 days after the end of the 1-year period beginning on
10 the date the plan takes effect, and annually there-
11 after, the approved applicant, respectively, shall sub-
12 mit to the Board a report on the principal activities,
13 achievements, and shortcomings under the plan dur-
14 ing the period covered by the report, comparing
15 those achievements and shortcomings to the goals
16 and performance criteria included in the plan under
17 section 6(c)(3).

18 (3) FINAL REPORT.—No later than 120 days
19 after the end of the effective period of an approved
20 flexibility plan, the approved applicant shall submit
21 to the Board a final report on implementation of the
22 plan, including a full evaluation of the successes and
23 shortcomings of the plan and the effects of that im-
24 plementation on individuals who receive benefits

1 under the eligible Federal financial assistance pro-
2 grams under the plan.

3 (b) BOARD.—No later than two years after the date
4 of the enactment of this Act, and annually thereafter, the
5 Board shall submit a report to the President and the Con-
6 gress on the Federal statutory and regulatory require-
7 ments of eligible Federal financial assistance programs
8 that are most frequently waived under section 7(f) with
9 respect to approved flexibility plans. The President shall
10 review the report and identify those statutory and regu-
11 latory requirements that the President determines should
12 be amended or repealed.

13 (c) DIRECTOR.—Two years after this Act goes into
14 effect, and no less than 60 days after repeal of this Act,
15 the Director shall report on its progress in achieving the
16 functions outlined in section 5(d).

17 (d) GENERAL ACCOUNTING OFFICE.—

18 (1) Beginning on the date of enactment of this
19 Act, the General Accounting Office shall—

20 (A) evaluate the effectiveness of eligible
21 Federal financial assistance programs included
22 in flexibility plans approved pursuant to this
23 Act compared with such programs not included
24 in a flexibility plan;

1 (B) establish and maintain, through the ef-
2 fective date of this statute, a program for the
3 ongoing collection of data and analysis of each
4 eligible Federal financial assistance program in-
5 cluded in an approved flexibility plan.

6 (2) No later than January 1, 2005, the General
7 Accounting Office shall submit a report to Congress
8 and the President that describes and evaluates the
9 results of the evaluations conducted pursuant to
10 paragraphs (1) and any recommendations on how to
11 improve flexibility in the administration of eligible
12 Federal financial assistance programs.

13 (e) ADVISORY COMMISSION ON INTERGOVERN-
14 MENTAL RELATIONS.—No later than January 1, 2005,
15 the Advisory Commission on Intergovernmental Relations
16 shall submit a report to the Congress and President
17 that—

18 (1) describes the extent to which this Act has
19 improved the ability of State, local and tribal gov-
20 ernments, particularly smaller units of government,
21 to make more effective use of two or more Federal
22 financial assistance programs included in a flexibility
23 plan;

24 (2) evaluates if or how the flexibility provided
25 by this Act has improved the system of Federal fi-

1 nancial assistance to State, local and tribal govern-
2 ments, and enabled governments and community or-
3 ganizations to work together more effectively; and

4 (3) includes recommendations with respect to
5 flexibility for State, local and tribal governments.

6 **SEC. 310. REPEAL.**

7 This Act is repealed on January 1, 2005.

8 **SEC. 311. DELIVERY DATE OF FEDERAL CONTRACT, GRANT,
9 AND ASSISTANCE APPLICATIONS.**

10 (a) GENERAL RULE.—

11 (1) DATE OF DELIVERY.—The Director of the
12 Office of Management and Budget shall direct all
13 Federal agencies to develop a consistent policy relat-
14 ing to Federal contract, grant, and other assistance
15 applications which stipulates that if any bid, grant
16 application, or other document required to be filled
17 within a prescribed period or on or before a pre-
18 scribed date is, after such period or such date, deliv-
19 ered by United States mail to the agency, officer, or
20 office with which such bid, grant application, or
21 other document is required to be made, the date of
22 the United States postmark stamped on the cover in
23 which such bid, grant application, or other document
24 is mailed shall be deemed to be the date of delivery,
25 as the case may be.

1 (2) MAILING REQUIREMENTS.—This subsection
2 applies only if—

3 (A) the postmark date falls within the pre-
4 scribed period or on or before the prescribed
5 date for the filing (including any extension
6 granted for such filing) of the bid, grant ap-
7 plication, or other document; and

8 (B) the bid, grant application, or other
9 document was, within the time prescribed in
10 subparagraph (A), deposited in the mail in the
11 United States in an envelope or other appro-
12 priate wrapper, postage prepaid, properly ad-
13 dressed to the agency, officer, or office with
14 which the bid, grant application, or other docu-
15 ment is required to be made.

16 (b) POSTMARKS.—This section shall apply in the case
17 of postmarks not made by the United States Postal Serv-
18 ice only if and to the extent provided by the regulations
19 prescribed by Federal agencies.

20 (c) REGISTERED AND CERTIFIED MAILING.—

21 (1) REGISTERED MAIL.—For purposes of this
22 section, if any such bid, grant application, or other
23 document is sent by United States registered mail—

24 (A) such registration shall be prima facie
25 evidence that the bid, grant application, or

1 other document was delivered to the agency, of-
 2 ficer, or office to which addressed; and

3 (B) the date of registration shall be
 4 deemed the postmark date.

5 (2) CERTIFIED MAIL.—Federal agencies are au-
 6 thorized to provide by regulations the extent to
 7 which the provisions of paragraph (1) of this sub-
 8 section with respect to prima facie evidence of deliv-
 9 ery and the postmark date shall apply to certified
 10 mail.

11 (d) EFFECTIVE DATE.—This section shall take effect
 12 on the date of the enactment of this Act and shall remain
 13 in effect notwithstanding section 10 of this Act.

14 **DIVISION 2—ECONOMIC GROWTH**
 15 **AND REGULATORY PAPER-**
 16 **WORK REDUCTION**

17 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

18 (a) SHORT TITLE.—This division may be cited as the
 19 “Economic Growth and Regulatory Paperwork Reduction
 20 Act of 1996”.

21 (b) TABLE OF CONTENTS.—The table of contents for
 22 this division is as follows:

DIVISION 2—ECONOMIC GROWTH AND REGULATORY PAPERWORK
 REDUCTION

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—STREAMLINING THE HOME MORTGAGE LENDING
 PROCESS

- Sec. 101. Simplification and unification of disclosures required under RESPA and TILA for mortgage transactions.
- Sec. 102. Elimination of redundant regulators.
- Sec. 103. General exemption authority for loans.
- Sec. 104. Reductions in Real Estate Settlement Procedures Act of 1974 regulatory burdens.
- Sec. 105. Co-branding and affinity group endorsements.
- Sec. 106. Waiver for certain borrowers.
- Sec. 107. Alternative disclosures for adjustable rate mortgages.
- Sec. 108. Restitution for violations of the Truth in Lending Act.
- Sec. 109. Limitation on liability under the Truth in Lending Act.

TITLE II—STREAMLINING GOVERNMENT REGULATION

Subtitle A—Eliminating Unnecessary Regulatory Requirements and Procedures

- Sec. 201. Elimination of certain filing and approval requirements for certain insured depository institutions.
- Sec. 202. Elimination of redundant approval requirement for Oakar transactions.
- Sec. 203. Elimination of duplicative requirements imposed upon bank holding companies.
- Sec. 204. Elimination of the per branch capital requirement for national banks and State member banks.
- Sec. 205. Elimination of branch application requirements for automatic teller machines.
- Sec. 206. Elimination of requirement for approval of investments in bank premises for well capitalized and well managed banks.
- Sec. 207. Elimination of approval requirement for divestitures.
- Sec. 208. Streamlined nonbanking acquisitions by well capitalized and well managed banking organizations.
- Sec. 209. Elimination of unnecessary filing for officer and director appointments.
- Sec. 210. Amendments to the Depository Institution Management Interlocks Act.
- Sec. 211. Elimination of recordkeeping and reporting requirements for officers.
- Sec. 212. Repayment of Treasury loan.
- Sec. 213. Branch closures.
- Sec. 214. Foreign banks.
- Sec. 215. Disposition of foreclosed assets.
- Sec. 216. Exemption authority for antitying provision.
- Sec. 217. FDIC approval of new State bank powers.

Subtitle B—Eliminating Unnecessary Regulatory Burdens

- Sec. 221. Small bank examination cycle.
- Sec. 222. Required review of regulations.
- Sec. 223. Repeal of identification of nonbank financial institution customers.
- Sec. 224. Repeal of certain reporting requirements.
- Sec. 225. Increase in home mortgage disclosure exemption threshold.
- Sec. 226. Elimination of stock loan reporting requirement.
- Sec. 227. Credit availability assessment.

Subtitle C—Regulatory Micromanagement

- Sec. 241. National bank directors.

- Sec. 242. Paperwork reduction review.
- Sec. 243. State bank representation on board of directors of the FDIC.
- Sec. 244. Consultation among examiners.

TITLE III—REGULATORY IMPACT ON COST OF CREDIT AND CREDIT AVAILABILITY

- Sec. 301. Audit costs.
- Sec. 302. Incentives for self-testing.
- Sec. 303. Qualified thrift investment amendments.
- Sec. 304. Limited purpose banks.
- Sec. 305. Amendment to Fair Debt Collection Practices Act.
- Sec. 306. Increase in certain credit union loan ceilings.
- Sec. 307. Bank investments in Edge Act and agreement corporations.

TITLE IV—CONSUMER CREDIT

Subtitle A—Credit Reporting Reform

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Furnishing consumer reports; use for employment purposes.
- Sec. 404. Use of consumer reports for prescreening and direct marketing; prohibition on unauthorized or uncertified use of information.
- Sec. 405. Consumer consent required to furnish consumer report containing medical information.
- Sec. 406. Obsolete information and information contained in consumer reports.
- Sec. 407. Compliance procedures.
- Sec. 408. Consumer disclosures.
- Sec. 409. Procedures in case of the disputed accuracy of any information in a consumer's file.
- Sec. 410. Charges for certain disclosures.
- Sec. 411. Duties of users of consumer reports.
- Sec. 412. Civil liability.
- Sec. 413. Responsibilities of persons who furnish information to consumer reporting agencies.
- Sec. 414. Investigative consumer reports.
- Sec. 415. Increased criminal penalties for obtaining information under false pretenses.
- Sec. 416. Administrative enforcement.
- Sec. 417. State enforcement of Fair Credit Reporting Act.
- Sec. 418. Federal Reserve Board Authority.
- Sec. 419. Preemption of State law.
- Sec. 420. Effective date.
- Sec. 421. Relationship to other law.

Subtitle B—Credit Repair Organizations

- Sec. 451. Regulation of credit repair organizations.
- Sec. 452. Credit worthiness.

TITLE V—ASSET CONSERVATION, LENDER LIABILITY, AND DEPOSIT INSURANCE PROTECTION

- Sec. 501. Short title.
- Sec. 502. CERCLA lender and fiduciary liability limitations amendments.
- Sec. 503. Conforming amendment.

- Sec. 504. Lender liability rule.
 Sec. 505. Effective date.

TITLE VI—MISCELLANEOUS

- Sec. 601. Federal Reserve study.
 Sec. 602. Treatment of claims arising from breach of contracts executed by the receiver or conservator.
 Sec. 603. Criminal sanctions for fictitious financial instruments and counterfeiting.
 Sec. 604. Amendments to the Truth in Savings Act.
 Sec. 605. Consumer Leasing Act amendments.
 Sec. 606. Study of corporate credit unions.
 Sec. 607. Report on the reconciliation of differences between regulatory accounting principles and generally accepted accounting principles.
 Sec. 608. State-by-State and metropolitan area-by-metropolitan area study of bank fees.
 Sec. 609. Prospective application of gold clauses in contracts.
 Sec. 610. Qualified family partnerships.
 Sec. 611. Cooperative efforts between depository institutions and farmers and ranchers in drought-stricken areas.

TITLE VII—DEPOSIT INSURANCE FUNDS

- Sec. 701. Short title.
 Sec. 702. Special assessment to capitalize SAIF.
 Sec. 703. Financing corporation funding.
 Sec. 704. Merger of BIF and SAIF.
 Sec. 705. Creation of SAIF Special Reserve.
 Sec. 706. Refund of amounts in Deposit Insurance Fund in excess of designated reserve amount.
 Sec. 707. Assessment rates for SAIF members may not be less than assessment rates for BIF members.
 Sec. 708. Assessments authorized only if needed to maintain the reserve ratio of a Deposit Insurance Fund.
 Sec. 709. Treasury study of common depository institution charter.
 Sec. 710. Definitions.

1 **SEC. 2. DEFINITIONS.**

2 Unless otherwise specified in this division, for pur-
 3 poses of this division—

4 (1) the term “Appraisal Subcommittee” means
 5 the Appraisal Subcommittee established under sec-
 6 tion 1011 of the Federal Financial Institutions Ex-
 7 amination Council Act of 1978 (as in existence on
 8 the day before the date of enactment of this Act);

1 (2) the term “appropriate Federal banking
2 agency” has the same meaning as in section 3 of the
3 Federal Deposit Insurance Act;

4 (3) the term “Board” means the Board of Gov-
5 ernors of the Federal Reserve System;

6 (4) the term “Corporation” means the Federal
7 Deposit Insurance Corporation;

8 (5) the term “Council” means the Federal Fi-
9 nancial Institutions Examination Council established
10 under section 1004 of the Federal Financial Institu-
11 tions Examination Council Act of 1978;

12 (6) the term “insured credit union” has the
13 same meaning as in section 101 of the Federal
14 Credit Union Act; and

15 (7) the term “insured depository institution”
16 has the same meaning as in section 3 of the Federal
17 Deposit Insurance Act.

18 **TITLE I—STREAMLINING THE**
19 **HOME MORTGAGE LENDING**
20 **PROCESS**

21 **SEC. 101. SIMPLIFICATION AND UNIFICATION OF DISCLO-**
22 **SURES REQUIRED UNDER RESPA AND TILA**
23 **FOR MORTGAGE TRANSACTIONS.**

24 (a) IN GENERAL.—With respect to credit trans-
25 actions which are subject to the Real Estate Settlement

1 Procedures Act of 1974 and the Truth in Lending Act,
2 the Board of Governors of the Federal Reserve System
3 (hereafter in this section referred to as the “Board”) and
4 the Secretary of Housing and Urban Development (here-
5 after in this section referred to as the “Secretary”) shall
6 take such action as may be necessary before the end of
7 the 6-month period beginning on the date of enactment
8 of this Act—

9 (1) to simplify and improve the disclosures ap-
10 plicable to such transactions under such Acts, in-
11 cluding the timing of the disclosures; and

12 (2) to provide a single format for such dislo-
13 sures which will satisfy the requirements of each
14 such Act with respect to such transactions.

15 (b) REGULATIONS.—To the extent that it is nec-
16 essary to prescribe any regulation in order to effect any
17 changes required to be made under subsection (a), the pro-
18 posed regulation shall be published in the Federal Register
19 before the end of the 6-month period referred to in sub-
20 section (a).

21 (c) RECOMMENDATIONS FOR LEGISLATION.—If the
22 Board and the Secretary find that legislative action may
23 be necessary or appropriate in order to simplify and unify
24 the disclosure requirements under the Real Estate Settle-
25 ment Procedures Act of 1974 and the Truth in Lending

1 Act, the Board and the Secretary shall submit a report
2 containing recommendations to the Congress concerning
3 such action.

4 **SEC. 102. ELIMINATION OF REDUNDANT REGULATORS.**

5 (a) DEFINITION.—Section 3 of the Real Estate Set-
6 tlement Procedures Act of 1974 (12 U.S.C. 2602) is
7 amended—

8 (1) in paragraph (7), by striking “and” at the
9 end;

10 (2) in paragraph (8), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following new
13 paragraphs:

14 “(9) the term ‘Board’ means the Board of Gov-
15 ernors of the Federal Reserve System;

16 “(10) the term ‘appropriate Federal banking
17 agency’ has the same meaning as in section 3 of the
18 Federal Deposit Insurance Act; and”.

19 (b) CONFORMING AMENDMENTS.—The Real Estate
20 Settlement Procedures Act of 1974 (12 U.S.C. 2601 et
21 seq.) is amended—

22 (1) in section 4, by striking “Secretary” each
23 place such term appears and inserting “Board”;

24 (2) in section 5, by striking “Secretary” each
25 place such term appears and inserting “Board”;

1 (3) in section 6, by striking “Secretary” each
2 place such term appears and inserting “Board”;

3 (4) in section 8(d)(4), by striking “Secretary”
4 and inserting “Secretary or the appropriate Federal
5 banking agency, as provided in section 20,”;

6 (5) in section 10(c)(1)(C), by striking “Not
7 later” and all that follows through “Act, the Sec-
8 retary”, and inserting “The Board”;

9 (6) in section 16, by striking “the Secretary”
10 and inserting “the Secretary or the appropriate Fed-
11 eral banking agency”;

12 (7) in section 18—

13 (A) by striking “Secretary is authorized
14 to” and inserting “Board or Secretary, as ap-
15 plicable, may”; and

16 (B) by striking “Secretary” each place
17 such term appears and inserting “Secretary or
18 the Board”; and

19 (8) in section 19, by amending the section
20 heading to read as follows:

21 **“SEC. 19. AUTHORITY OF THE SECRETARY AND THE**
22 **BOARD.”.**

23 (c) REGULATIONS.—

1 (1) IN GENERAL.—Section 19(a) of the Real
2 Estate Settlement Procedures Act of 1974 (12
3 U.S.C. 2617(a)) is amended to read as follows:

4 “(a) REGULATIONS.—

5 “(1) IN GENERAL.—The Board or the Sec-
6 retary shall prescribe such regulations as may be
7 necessary to carry out this title, as set forth in para-
8 graph (3).

9 “(2) SPECIFICATIONS.—The regulations pro-
10 mulgated under paragraph (1)—

11 “(A) may contain such classifications, dif-
12 ferentiations, or other provisions, and may pro-
13 vide for such adjustments and exceptions for
14 any class of transactions, as the Board or the
15 Secretary, as appropriate, determines to be nec-
16 essary or proper to—

17 “(i) effectuate the purposes of this
18 title;

19 “(ii) prevent circumvention or evasion
20 of this title; or

21 “(iii) facilitate compliance with this
22 title; and

23 “(B) shall minimize the burdens and cost
24 imposed upon creditors and shall ensure that
25 costs, burdens, and complexities to consumers

1 are reduced, while necessary information re-
2 garding the cost of financing to consumers is
3 provided.

4 “(3) APPLICATION.—

5 “(A) BOARD.—The authority of the Board
6 under paragraph (1) shall apply with respect
7 to—

8 “(i) sections 4, 5, 6, 10, and 12; and

9 “(ii) sections 3, 7, 17, 18, and 19, to
10 the extent that such sections are applicable
11 with respect to the sections described in
12 clause (i).

13 “(B) SECRETARY.—The authority of the
14 Secretary under paragraph (1) shall apply with
15 respect to—

16 “(i) sections 8 and 9; and

17 “(ii) sections 3, 7, 17, 18, and 19, to
18 the extent such sections are applicable with
19 respect to the sections described in clause
20 (i).”.

21 (2) CONFORMING AMENDMENTS.—Section 19 of
22 the Real Estate Settlement Procedures Act of 1974
23 (12 U.S.C. 2617) is amended—

24 (A) in subsection (b), by inserting “, the
25 Board,” after “the Secretary”;

1 (B) in subsection (c)(1)—

2 (i) by striking “Secretary may” and
3 inserting “Secretary and the appropriate
4 Federal banking agency may”;

5 (ii) by striking “Secretary is” and in-
6 serting “Secretary and the appropriate
7 Federal banking agency are”; and

8 (iii) by striking “Secretary deems”
9 and inserting “Secretary or the appro-
10 priate Federal banking agency deems”;
11 and

12 (C) in subsection (c)(2), by striking “Sec-
13 retary” and inserting “Secretary or the appro-
14 priate Federal banking agency”.

15 (d) ADMINISTRATIVE ENFORCEMENT.—The Real Es-
16 tate Settlement Procedures Act of 1974 (12 U.S.C. 2601
17 et seq.) is amended by adding at the end the following
18 new section:

19 **“SEC. 20. ADMINISTRATIVE ENFORCEMENT.**

20 “(a) IN GENERAL.—Compliance with the require-
21 ments imposed under this title shall be enforced—

22 “(1) with respect to—

23 “(A) any national bank or any Federal
24 branch or Federal agency of a foreign bank, by
25 the Office of the Comptroller of the Currency;

1 “(B) any member bank of the Federal Re-
2 serve System (other than a national bank), any
3 branch or agency of a foreign bank (other than
4 a Federal branch or Federal agency, or insured
5 State branch of a foreign bank), any commer-
6 cial lending company owned or controlled by
7 one or more foreign banks, or any organization
8 operating under section 25 or 25A of the Fed-
9 eral Reserve Act, by the Board;

10 “(C) any bank insured under the Federal
11 Deposit Insurance Act (other than a member of
12 the Federal Reserve System) or any insured
13 State branch of a foreign bank, by the Board
14 of Directors of the Federal Deposit Insurance
15 Corporation; and

16 “(D) any savings association the deposits
17 of which are insured under the Federal Deposit
18 Insurance Act, by the Director of the Office of
19 Thrift Supervision;

20 “(2) under the Federal Credit Union Act, by
21 the Administrator of the National Credit Union Ad-
22 ministration with respect to any Federal credit
23 union;

24 “(3) under the Packers and Stockyards Act,
25 1921 (except as provided in section 406 of such

1 Act), by the Secretary of Agriculture with respect to
2 any activities subject to such Act; and

3 “(4) under the Farm Credit Act of 1971, by
4 the Farm Credit Administration with respect to any
5 institution referred to in section 1.2(a) of that Act.

6 “(b) LIMITATIONS.—In exercising their powers under
7 subsection (a), the appropriate Federal banking agencies
8 shall not impose any penalties that exceed those provided
9 for in this title.

10 “(c) HUD ENFORCEMENT.—Except to the extent
11 that the enforcement of the requirements imposed under
12 this title is specifically committed to another agency of the
13 Federal Government under subsection (a), the Secretary
14 of Housing and Urban Development shall enforce such re-
15 quirements.”.

16 (e) TRANSFER OF AUTHORITY.—Authority to carry
17 out the Real Estate Settlement Procedures Act of 1974
18 shall be transferred to the Board, as provided in the
19 amendments made by subsections (b) and (c) of this sec-
20 tion, 180 days after the enactment of this Act. Upon
21 transfer of authority, all existing regulations shall remain
22 in effect until such time as the Board modifies them. Not
23 later than 180 days after the date of transfer, the Board
24 shall publish any proposed changes to the regulations re-
25 quired by this division. During the 180-day period begin-

1 ning on the date of enactment of this Act, the Secretary
 2 of the Treasury shall not modify, repeal, or add any regu-
 3 lations that will be transferred to the Board, as appro-
 4 priate.

5 **SEC. 103. GENERAL EXEMPTION AUTHORITY FOR LOANS.**

6 (a) **REGULATORY FLEXIBILITY.**—Section 104 of the
 7 Truth in Lending Act (15 U.S.C. 1603) is amended—

8 (1) by redesignating paragraphs (5) and (6) as
 9 paragraphs (6) and (7), respectively; and

10 (2) by inserting after paragraph (4) the follow-
 11 ing new paragraph:

12 “(5) Transactions for which the Board, by rule,
 13 determines that coverage under this title is not nec-
 14 essary to carry out the purposes of this title.”.

15 (b) **EXEMPTION AUTHORITY.**—Section 105 of the
 16 Truth in Lending Act (15 U.S.C. 1604) is amended by
 17 adding at the end the following new subsection:

18 “(f) **EXEMPTION AUTHORITY.**—

19 “(1) **IN GENERAL.**—The Board may exempt
 20 from all or part of this title any class of transactions
 21 for which, in the determination of the Board, cov-
 22 erage under all or part of this title does not provide
 23 a meaningful benefit to consumers in the form of
 24 useful information or protection.

1 “(2) FACTORS FOR CONSIDERATION.—In deter-
2 mining which classes of transactions to exempt in
3 whole or in part under paragraph (1), the Board
4 shall consider, among other factors—

5 “(A) the amount of the loan or closing
6 costs and whether the disclosures, right of re-
7 scission, and other provisions are necessary,
8 particularly for small loans, as determined by
9 the Board;

10 “(B) whether the requirements of this title
11 complicate, hinder, or make more expensive the
12 credit process for the class of transactions;

13 “(C) the status of the borrower, includ-
14 ing—

15 “(i) any related financial arrange-
16 ments of the borrower, as determined by
17 the Board;

18 “(ii) the financial sophistication of the
19 borrower relative to the type of trans-
20 action; and

21 “(iii) the importance to the borrower
22 of the credit and related supporting prop-
23 erty, as determined by the Board;

24 “(D) whether the loan is secured by the
25 principal residence of the consumer; and

1 himself or herself out as anything other than an em-
 2 ployee of that institution, or bank, or (7)”; and

3 (2) by adding at the end the following: “For
 4 purposes of paragraph (5) the term ‘employee’ has
 5 the same meaning as in section 3306(i) of the Inter-
 6 nal Revenue Code of 1986, and the term ‘depository
 7 institution’ has the same meaning as in section 3 of
 8 the Federal Deposit Insurance Act.”.

9 (c) CONSISTENCY OF REAL ESTATE SETTLEMENT
 10 PROCEDURES ACT AND TRUTH IN LENDING ACT EXEMP-
 11 TION OF BUSINESS LOANS.—Section 7 of the Real Estate
 12 Settlement Procedures Act of 1974 (12 U.S.C. 2606) is
 13 amended—

14 (1) by striking “This Act” and inserting the
 15 following:

16 “(a) IN GENERAL.—This Act”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(b) INTERPRETATION.—In promulgating regula-
 20 tions under section 19(a), the Board shall ensure that,
 21 with respect to subsection (a) of this section, the exemp-
 22 tion for credit transactions involving extensions of credit
 23 primarily for business, commercial, or agricultural pur-
 24 poses, as provided in section 7(1) of the Real Estate Set-
 25 tlement Procedures Act of 1974 shall be the same as the

1 exemption for such credit transactions under section
2 104(1) of the Truth in Lending Act.”.

3 **SEC. 105. CO-BRANDING AND AFFINITY GROUP ENDORSE-**
4 **MENTS.**

5 (a) COMPLIANCE WITH OTHER REQUIREMENTS.—
6 Section 3(3) of the Real Estate Settlement Procedures Act
7 of 1974 (12 U.S.C. 2602(3)) is amended by inserting be-
8 fore the semicolon “, but does not include an endorsement
9 which does not violate the provisions of section 8(c)(4)”.

10 (b) PAYMENTS.—Section 8(c) of the Real Estate Set-
11 tlement Procedures Act of 1974 (12 U.S.C. 2607(c)) is
12 amended by inserting after paragraph (5), as added by
13 section 104(b) of this division, the following new para-
14 graph: “(6) a payment or transfer of a thing of value to
15 an affinity group for or in connection with an endorsement
16 (written or oral), either through an advertisement or
17 through a communication addressed to a person by name
18 or mailing address, of the products or services of a settle-
19 ment service provider, if that disclosure is clearly made
20 at the time of the first written communication with the
21 consumer of the fact that a payment was made or may
22 be made, or other thing of value may accrue to the affinity
23 group for the endorsement;”.

24 (c) DEFINITION.—Section 3 of the Real Estate Set-
25 tlement Procedures Act of 1974 (12 U.S.C. 2602) is

1 amended by adding at the end the following new para-
 2 graph:

3 “(11) the term ‘affinity group’ means any per-
 4 son, other than an individual, that—

5 “(A) is established for common objectives
 6 or purposes; and

7 “(B) is not established by a settlement
 8 service provider or providers for the principal
 9 purpose of endorsing the products or services of
 10 a settlement service provider.”.

11 **SEC. 106. WAIVER FOR CERTAIN BORROWERS.**

12 Section 105 of the Truth in Lending Act (15 U.S.C.
 13 1604) is amended by adding at the end the following new
 14 subsection:

15 “(g) WAIVER FOR CERTAIN BORROWERS.—

16 “(1) IN GENERAL.—The Board, by regulation,
 17 may exempt from the requirements of this title cer-
 18 tain credit transactions if—

19 “(A) the transaction involves a consumer—

20 “(i) with an annual earned income of
 21 more than \$200,000; or

22 “(ii) having net assets in excess of
 23 \$1,000,000 at the time of the transaction;

24 and

1 “(B) a waiver that is handwritten, signed,
2 and dated by the consumer is first obtained
3 from the consumer.

4 “(2) ADJUSTMENTS BY THE BOARD.—The
5 Board, at its discretion, may adjust the annual
6 earned income and net asset requirements of para-
7 graph (1) for inflation.”.

8 **SEC. 107. ALTERNATIVE DISCLOSURES FOR ADJUSTABLE**
9 **RATE MORTGAGES.**

10 Section 128(a) of the Truth in Lending Act (15
11 U.S.C. 1638(a)) is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(14) In any variable interest rate residential
14 mortgage transaction, at the option of the creditor,
15 a statement that the periodic payments may increase
16 or decrease substantially, and the maximum interest
17 rate and payment for a \$10,000 loan originated at
18 a recent interest rate, as determined by the Board,
19 assuming the maximum periodic increases in rates
20 and payments under the program, or a historical ex-
21 ample illustrating the effects of interest rate changes
22 implemented according to the loan program.”.

1 **SEC. 108. RESTITUTION FOR VIOLATIONS OF THE TRUTH IN**
2 **LENDING ACT.**

3 Section 108(e)(3) of the Truth in Lending Act (15
4 U.S.C. 2602(3)) is amended—

5 (1) by striking “ordered (A) if” and inserting
6 the following: “ordered—

7 “(A) if”;

8 (2) by striking “may require a partial” and in-
9 serting “may—

10 “(i) require a partial”;

11 (3) by striking “, except that with respect” and
12 all that follows through “Act, the agency shall re-
13 quire” and inserting “; or

14 “(ii) require”;

15 (4) by striking “reasonable, (B) the” and in-
16 serting the following: “reasonable, if (in the case of
17 an agency referred to in paragraph (1), (2), or (3)
18 of subsection (a)), the agency determines that a par-
19 tial adjustment or making partial payments over an
20 extended period is necessary to avoid causing the
21 creditor to become undercapitalized pursuant to sec-
22 tion 38 of the Federal Deposit Insurance Act;

23 “(B) the”; and

24 (5) by striking “(C) except” and inserting the
25 following:

26 “(C) except”.

1 **SEC. 109. LIMITATION ON LIABILITY UNDER THE TRUTH IN**
 2 **LENDING ACT.**

3 Section 139(a) of the Truth in Lending Act (15
 4 U.S.C. 1649(a)) is amended by striking “For any
 5 consumer credit transaction subject to this title” and in-
 6 serting “For any closed end consumer credit transaction
 7 that is secured by real property or a dwelling, that is sub-
 8 ject to this title, and”.

9 **TITLE II—STREAMLINING**
 10 **GOVERNMENT REGULATION**
 11 **Subtitle A—Eliminating Unneces-**
 12 **sary Regulatory Requirements**
 13 **and Procedures**

14 **SEC. 201. ELIMINATION OF CERTAIN FILING AND AP-**
 15 **PROVAL REQUIREMENTS FOR CERTAIN IN-**
 16 **SURED DEPOSITORY INSTITUTIONS.**

17 Section 18(c) of the Federal Deposit Insurance Act
 18 (12 U.S.C. 1828(c)) is amended by adding at the end the
 19 following new paragraph:

20 “(12) EXCEPTIONS.—No prior approval is required
 21 under paragraph (2) for any merger, consolidation, acqui-
 22 sition of assets, or assumption of liabilities involving only
 23 insured depository institutions that are subsidiaries of the
 24 same depository institution holding company, if—

1 “(A) the responsible agency would not be pro-
2 hibited from approving the transaction under section
3 44;

4 “(B) the acquiring, assuming, or resulting insti-
5 tution complies with all applicable provisions of sec-
6 tion 44 as if the merger, consolidation, or acquisition
7 were approved under this subsection;

8 “(C) the acquiring, assuming, or resulting insti-
9 tution provides written notification of the trans-
10 action to the appropriate Federal banking agency for
11 the institution not later than 10 days prior to con-
12 summation of the transaction; and

13 “(D) during the 10-day period beginning on the
14 date on which the notification required by subpara-
15 graph (C) was received, the agency does not require
16 the institution to submit an application with respect
17 to such transaction.”.

18 **SEC. 202. ELIMINATION OF REDUNDANT APPROVAL RE-**
19 **QUIREMENT FOR OAKAR TRANSACTIONS.**

20 (a) IN GENERAL.—Section 5(d)(3) of the Federal
21 Deposit Insurance Act (12 U.S.C. 1815(d)(3)) is amend-
22 ed—

23 (1) in subparagraph (A), by striking “with the
24 prior written approval of” and inserting “if the
25 transaction is approved by”;

1 (2) in subparagraph (E)—

2 (A) by striking clauses (i) and (iv);

3 (B) by redesignating clauses (ii) and (iii)

4 as clauses (i) and (ii), respectively; and

5 (C) by adding at the end the following new

6 clause:

7 “(iii) CAPITAL REQUIREMENTS.—A

8 transaction described in this paragraph

9 shall not be approved under section

10 18(c)(2) unless the acquiring, assuming, or

11 resulting depository institution will meet

12 all applicable capital requirements upon

13 consummation of the transaction.”;

14 (3) by striking subparagraph (G); and

15 (4) by redesignating subparagraphs (H)

16 through (J) as subparagraphs (G) through (I), re-

17 spectively.

18 (b) CONFORMING AMENDMENTS.—

19 (1) REVISED STATUTES.—Section 5156A(b)(1)

20 of the Revised Statutes (12 U.S.C. 215c(b)(1)) is

21 amended by striking “by section 5(d)(3) of the Fed-

22 eral Deposit Insurance Act or any other” and insert-

23 ing “under any”.

24 (2) HOME OWNERS’ LOAN ACT.—Section

25 10(s)(2)(A) of the Home Owners’ Loan Act (12

1 U.S.C. 1467a(s)(2)(A)) is amended by striking
 2 “under section 5(d)(3) of the Federal Deposit Insur-
 3 ance Act or any other” and inserting “under any”.

4 **SEC. 203. ELIMINATION OF DUPLICATIVE REQUIREMENTS**
 5 **IMPOSED UPON BANK HOLDING COMPANIES.**

6 (a) EXEMPTION FOR BANK HOLDING COMPANIES.—
 7 Section 10 of the Home Owners’ Loan Act (12 U.S.C.
 8 1467a) is amended by adding at the end the following new
 9 subsection:

10 “(t) EXEMPTION FOR BANK HOLDING COMPA-
 11 NIES.—This section does not apply to a bank holding com-
 12 pany that is subject to the Bank Holding Company Act
 13 of 1956, or any company controlled by such bank holding
 14 company.”.

15 (b) DEFINITION.—Section 10(a)(1)(D) of the Home
 16 Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)) is amend-
 17 ed to read as follows:

18 “(D) SAVINGS AND LOAN HOLDING COM-
 19 PANY.—

20 “(i) IN GENERAL.—Except as pro-
 21 vided in clause (ii), the term ‘savings and
 22 loan holding company’ means any company
 23 that directly or indirectly controls a sav-
 24 ings association or that controls any other

1 company that is a savings and loan holding
2 company.

3 “(ii) EXCLUSION.—The term ‘savings
4 and loan holding company’ does not in-
5 clude a bank holding company that is reg-
6 istered under, and subject to, the Bank
7 Holding Company Act of 1956, or to any
8 company directly or indirectly controlled by
9 such company (other than a savings asso-
10 ciation).”.

11 (c) ACQUISITIONS.—Section 10(e)(1) of the Home
12 Owners’ Loan Act (12 U.S.C. 1467a(e)(1)) is amended—

13 (1) in subparagraph (A)(iii)(VII), by inserting
14 “or” at the end;

15 (2) in subparagraph (A)(iv), by inserting “and”
16 at the end; and

17 (3) in subparagraph (B)—

18 (A) by striking “or (ii)” and inserting
19 “(ii)”; and

20 (B) by inserting before the first period “,
21 or (iii) acquired by a bank holding company
22 that is registered under, and subject to, the
23 Bank Holding Company Act of 1956, or any
24 company controlled by such bank holding com-
25 pany”.

1 (d) AMENDMENTS TO THE BANK HOLDING COMPANY
2 ACT OF 1956.—Section 4(i) of the Bank Holding Com-
3 pany Act of 1956 (12 U.S.C. 1843(i)) is amended by add-
4 ing at the end the following new paragraphs:

5 “(4) SOLICITATION OF VIEWS.—

6 “(A) NOTICE TO DIRECTOR.—Upon receiv-
7 ing any application or notice by a bank holding
8 company to acquire, directly or indirectly, a
9 savings association under subsection (c)(8), the
10 Board shall solicit comments and recommenda-
11 tions from the Director with respect to such ac-
12 quisition.

13 “(B) COMMENT PERIOD.—The comments
14 and recommendations of the Director under
15 subparagraph (A) with respect to any acquisi-
16 tion subject to such subparagraph shall be
17 transmitted to the Board not later than 30 days
18 after the receipt by the Director of the notice
19 relating to such acquisition (or such shorter pe-
20 riod as the Board may specify if the Board ad-
21 vises the Director that an emergency exists that
22 requires expeditious action).

23 “(5) EXAMINATION.—

24 “(A) SCOPE.—The Board shall consult
25 with the Director, as appropriate, in establish-

1 ing the scope of an examination by the Board
 2 of a bank holding company that directly or indi-
 3 rectly controls a savings association.

4 “(B) ACCESS TO INSPECTION REPORTS.—
 5 Upon the request of the Director, the Board
 6 shall furnish the Director with a copy of any in-
 7 spection report, additional examination mate-
 8 rials, or supervisory information relating to any
 9 bank holding company that directly or indirectly
 10 controls a savings association.

11 “(6) COORDINATION OF ENFORCEMENT EF-
 12 FORTS.—The Board and the Director shall cooper-
 13 ate in any enforcement action against any bank
 14 holding company that controls a savings association,
 15 if the relevant conduct involves such association.

16 “(7) DIRECTOR DEFINED.—For purposes of
 17 this section, the term ‘Director’ means the Director
 18 of the Office of Thrift Supervision.”.

19 **SEC. 204. ELIMINATION OF THE PER BRANCH CAPITAL RE-**
 20 **QUIREMENT FOR NATIONAL BANKS AND**
 21 **STATE MEMBER BANKS.**

22 Section 5155(h) of the Revised Statutes (12 U.S.C.
 23 36(h)) is amended to read as follows:

24 “(h) [Reserved.]”.

1 **SEC. 205. ELIMINATION OF BRANCH APPLICATION RE-**
 2 **QUIREMENTS FOR AUTOMATIC TELLER MA-**
 3 **CHINES.**

4 (a) “BRANCH” UNDER NATIONAL BANK ACT.—Sec-
 5 tion 5155(j) of the Revised Statutes (12 U.S.C. 36(j)) is
 6 amended by adding at the end the following: “The term
 7 ‘branch’, as used in this section, does not include an auto-
 8 mated teller machine or a remote service unit.”.

9 (b) “DOMESTIC BRANCH” UNDER THE FEDERAL
 10 DEPOSIT INSURANCE ACT.—Section 3(o) of the Federal
 11 Deposit Insurance Act (12 U.S.C. 1813(o)) is amended
 12 by striking “lent; and the” and inserting “lent. The term
 13 ‘domestic branch’ does not include an automated teller
 14 machine or a remote service unit. The”.

15 **SEC. 206. ELIMINATION OF REQUIREMENT FOR APPROVAL**
 16 **OF INVESTMENTS IN BANK PREMISES FOR**
 17 **WELL CAPITALIZED AND WELL MANAGED**
 18 **BANKS.**

19 Section 24A of the Federal Reserve Act (12 U.S.C.
 20 371d) is amended to read as follows:

21 **“SEC. 24A. INVESTMENT IN BANK PREMISES OR STOCK OF**
 22 **CORPORATION HOLDING PREMISES.**

23 “(a) CONDITIONS OF INVESTMENT.—No national
 24 bank or State member bank shall invest in bank premises,
 25 or in the stock, bonds, debentures, or other such obliga-
 26 tions of any corporation holding the premises of such

1 bank, or make loans to or upon the security of any such
2 corporation—

3 “(1) unless the bank receives the prior approval
4 of the Comptroller of the Currency (with respect to
5 a national bank) or the Board (with respect to a
6 State member bank);

7 “(2) unless the aggregate of all such invest-
8 ments and loans, together with the amount of any
9 indebtedness incurred by any such corporation that
10 is an affiliate of the bank, is less than or equal to
11 the amount of the capital stock of such bank; or

12 “(3) unless—

13 “(A) the aggregate of all such investments
14 and loans, together with the amount of any in-
15 debtedness incurred by any such corporation
16 that is an affiliate of the bank, is less than or
17 equal to 150 percent of the capital and surplus
18 of the bank; and

19 “(B) the bank—

20 “(i) has a CAMEL composite rating
21 of 1 or 2 under the Uniform Financial In-
22 stitutions Rating System (or an equivalent
23 rating under a comparable rating system)
24 as of the most recent examination of such
25 bank;

1 **SEC. 208. STREAMLINED NONBANKING ACQUISITIONS BY**
2 **WELL CAPITALIZED AND WELL MANAGED**
3 **BANKING ORGANIZATIONS.**

4 (a) NOTICE REQUIREMENTS.—Section 4(j) of the
5 Bank Holding Company Act of 1956 (12 U.S.C. 1843(j))
6 is amended—

7 (1) in paragraph (1)(A), by striking “No” and
8 inserting “Except as provided in paragraph (3), no”;
9 and

10 (2) by adding at the end the following new
11 paragraphs:

12 “(3) NO NOTICE REQUIRED FOR CERTAIN
13 TRANSACTIONS.—No notice under paragraph (1) of
14 this subsection or under subsection (c)(8) or
15 (a)(2)(B) is required for a proposal by a bank hold-
16 ing company to engage in any activity or acquire the
17 shares or assets of any company, other than an in-
18 sured depository institution, if the proposal qualifies
19 under paragraph (4).

20 “(4) CRITERIA FOR STATUTORY APPROVAL.—A
21 proposal qualifies under this paragraph if all of the
22 following criteria are met:

23 “(A) FINANCIAL CRITERIA.—Both before
24 and immediately after the proposed trans-
25 action—

1 “(i) the acquiring bank holding com-
2 pany is well capitalized;

3 “(ii) the lead insured depository insti-
4 tution of such holding company is well cap-
5 italized;

6 “(iii) well capitalized insured deposi-
7 tory institutions control at least 80 percent
8 of the aggregate total risk-weighted assets
9 of insured depository institutions controlled
10 by such holding company; and

11 “(iv) no insured depository institution
12 controlled by such holding company is
13 undercapitalized.

14 “(B) MANAGERIAL CRITERIA.—

15 “(i) WELL MANAGED.—At the time of
16 the transaction, the acquiring bank holding
17 company, its lead insured depository insti-
18 tution, and insured depository institutions
19 that control at least 90 percent of the ag-
20 gregate total risk-weighted assets of in-
21 sured depository institutions controlled by
22 such holding company are well managed.

23 “(ii) LIMITATION ON POORLY MAN-
24 AGED INSTITUTIONS.—Except as provided
25 in paragraph (6), no insured depository in-

1 stitution controlled by the acquiring bank
2 holding company has received 1 of the 2
3 lowest composite ratings at the later of the
4 institution's most recent examination or
5 subsequent review.

6 “(C) ACTIVITIES PERMISSIBLE.—Following
7 consummation of the proposal, the bank holding
8 company engages directly or through a subsidi-
9 ary solely in—

10 “(i) activities that are permissible
11 under subsection (c)(8), as determined by
12 the Board by regulation or order there-
13 under, subject to all of the restrictions,
14 terms, and conditions of such subsection
15 and such regulation or order; and

16 “(ii) such other activities as are other-
17 wise permissible under this section, subject
18 to the restrictions, terms and conditions,
19 including any prior notice or approval re-
20 quirements, provided in this section.

21 “(D) SIZE OF ACQUISITION.—

22 “(i) ASSET SIZE.—The book value of
23 the total assets to be acquired does not ex-
24 ceed 10 percent of the consolidated total

1 risk-weighted assets of the acquiring bank
2 holding company.

3 “(ii) CONSIDERATION.—The gross
4 consideration to be paid for the securities
5 or assets does not exceed 15 percent of the
6 consolidated Tier 1 capital of the acquiring
7 bank holding company.

8 “(E) NOTICE NOT OTHERWISE WAR-
9 RANTED.—For proposals described in para-
10 graph (5)(B), the Board has not, before the
11 conclusion of the period provided in paragraph
12 (5)(B), advised the bank holding company that
13 a notice under paragraph (1) is required.

14 “(F) COMPLIANCE CRITERION.—During
15 the 12-month period ending on the date on
16 which the bank holding company proposes to
17 commence an activity or acquisition, no admin-
18 istrative enforcement action has been com-
19 menced, and no cease and desist order has been
20 issued pursuant to section 8 of the Federal De-
21 posit Insurance Act, against the bank holding
22 company or any depository institution subsidi-
23 ary of the holding company, and no such en-
24 forcement action, order, or other administrative

1 enforcement proceeding is pending as of such
2 date.

3 “(5) NOTIFICATION.—

4 “(A) COMMENCEMENT OF ACTIVITIES AP-
5 PROVED BY RULE.—A bank holding company
6 that qualifies under paragraph (4) and that
7 proposes to engage de novo, directly or through
8 a subsidiary, in any activity that is permissible
9 under subsection (c)(8), as determined by the
10 Board by regulation, may commence that activ-
11 ity without prior notice to the Board and must
12 provide written notification to the Board not
13 later than 10 business days after commencing
14 the activity.

15 “(B) ACTIVITIES PERMITTED BY ORDER
16 AND ACQUISITIONS.—

17 “(i) IN GENERAL.—At least 12 busi-
18 ness days before commencing any activity
19 pursuant to paragraph (3) (other than an
20 activity described in subparagraph (A) of
21 this paragraph) or acquiring shares or as-
22 sets of any company pursuant to para-
23 graph (3), the bank holding company shall
24 provide written notice of the proposal to
25 the Board, unless the Board determines

1 that no notice or a shorter notice period is
2 appropriate.

3 “(ii) DESCRIPTION OF ACTIVITIES
4 AND TERMS.—A notification under this
5 subparagraph shall include a description of
6 the proposed activities and the terms of
7 any proposed acquisition.

8 “(6) RECENTLY ACQUIRED INSTITUTIONS.—
9 Any insured depository institution which has been
10 acquired by a bank holding company during the 12-
11 month period preceding the date on which the com-
12 pany proposes to commence an activity or acquisi-
13 tion pursuant to paragraph (3) may be excluded for
14 purposes of paragraph (4)(B)(ii) if—

15 “(A) the bank holding company has devel-
16 oped a plan for the institution to restore the
17 capital and management of the institution
18 which is acceptable to the appropriate Federal
19 banking agency; and

20 “(B) all such insured depository institu-
21 tions represent, in the aggregate, less than 10
22 percent of the aggregate total risk-weighted as-
23 sets of all insured depository institutions con-
24 trolled by the bank holding company.

1 “(7) ADJUSTMENT OF PERCENTAGES.—The
 2 Board may, by regulation, adjust the percentages
 3 and the manner in which the percentages of insured
 4 depository institutions are calculated under para-
 5 graph (4)(B)(i), (4)(D), or (6)(B) if the Board de-
 6 termines that any such adjustment is consistent with
 7 safety and soundness and the purposes of this Act.”.

8 (b) DEFINITIONS.—Section 2(o) of the Bank Holding
 9 Company Act of 1956 (12 U.S.C. 1841(o)) is amended—
 10 (1) by striking paragraph (1) and inserting the
 11 following new paragraph:

12 “(1) CAPITAL TERMS.—

13 “(A) INSURED DEPOSITORY INSTITU-
 14 TIONS.—With respect to insured depository in-
 15 stitutions, the terms ‘well capitalized’, ‘ade-
 16 quately capitalized’, and ‘undercapitalized’ have
 17 the same meanings as in section 38(b) of the
 18 Federal Deposit Insurance Act.

19 “(B) BANK HOLDING COMPANY.—

20 “(i) ADEQUATELY CAPITALIZED.—
 21 With respect to a bank holding company,
 22 the term ‘adequately capitalized’ means a
 23 level of capitalization which meets or ex-
 24 ceeds all applicable Federal regulatory cap-
 25 ital standards.

1 “(ii) WELL CAPITALIZED.—A bank
2 holding company is ‘well capitalized’ if it
3 meets the required capital levels for well
4 capitalized bank holding companies estab-
5 lished by the Board.

6 “(C) OTHER CAPITAL TERMS.—The terms
7 ‘Tier 1’ and ‘risk-weighted assets’ have the
8 meanings given those terms in the capital
9 guidelines or regulations established by the
10 Board for bank holding companies.”; and

11 (2) by adding at the end the following new
12 paragraphs:

13 “(8) LEAD INSURED DEPOSITORY INSTITU-
14 TIONS.—

15 “(A) IN GENERAL.—The term ‘lead in-
16 sured depository institution’ means the largest
17 insured depository institution controlled by the
18 subject bank holding company at any time,
19 based on a comparison of the average total risk-
20 weighted assets controlled by each insured de-
21 pository institution during the previous 12-
22 month period.

23 “(B) BRANCH OR AGENCY.—For purposes
24 of this paragraph and section 4(j)(4), the term
25 ‘insured depository institution’ includes any

1 branch or agency operated in the United States
 2 by a foreign bank.

3 “(9) WELL MANAGED.—The term ‘well man-
 4 aged’ means—

5 “(A) in the case of any company or deposi-
 6 tory institution which receives examinations, the
 7 achievement of—

8 “(i) a CAMEL composite rating of 1
 9 or 2 (or an equivalent rating under an
 10 equivalent rating system) in connection
 11 with the most recent examination or subse-
 12 quent review of such company or institu-
 13 tion; and

14 “(ii) at least a satisfactory rating for
 15 management, if such rating is given; or

16 “(B) in the case of a company or deposi-
 17 tory institution that has not received an exam-
 18 ination rating, the existence and use of manage-
 19 rial resources which the Board determines are
 20 satisfactory.”.

21 **SEC. 209. ELIMINATION OF UNNECESSARY FILING FOR OF-**
 22 **FICER AND DIRECTOR APPOINTMENTS.**

23 Section 32 of the Federal Deposit Insurance Act (12
 24 U.S.C. 1831i) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “(or such other period, as
2 determined by the appropriate Federal banking
3 agency)” after “30 days”;

4 (B) by striking “if the insured depository
5 institution or depository institution holding
6 company” and inserting “if”;

7 (C) by striking paragraphs (1) and (2);

8 (D) by redesignating paragraph (3) as
9 paragraph (1);

10 (E) in paragraph (1), as redesignated—

11 (i) by inserting “the insured depository
12 institution or depository institution
13 holding company” before “is not in compli-
14 ance”; and

15 (ii) by striking the period at the end
16 and inserting “; or”; and

17 (F) by adding at the end the following new
18 paragraph:

19 “(2) the agency determines, in connection with
20 the review by the agency of the plan required under
21 section 38 or otherwise, that such prior notice is ap-
22 propriate.”; and

23 (2) in subsection (b), by striking “30-day pe-
24 riod” and inserting “notice period, not to exceed 90
25 days,”.

1 **SEC. 210. AMENDMENTS TO THE DEPOSITORY INSTITUTION**
2 **MANAGEMENT INTERLOCKS ACT.**

3 (a) DUAL SERVICE AMONG LARGER ORGANIZA-
4 TIONS.—Section 204 of the Depository Institution Man-
5 agement Interlocks Act (12 U.S.C. 3203) is amended—

6 (1) by striking “\$1,000,000,000” and inserting
7 “\$2,500,000,000”;

8 (2) by striking “\$500,000,000” and inserting
9 “\$1,500,000,000”; and

10 (3) by adding at the end the following: “In
11 order to allow for inflation or market changes, the
12 appropriate Federal depository institutions regu-
13 latory agencies may, by regulation, adjust, as nec-
14 essary, the amount of total assets required for de-
15 pository institutions or depository holding companies
16 under this section.”.

17 (b) EXTENSION OF GRANDFATHER EXEMPTION.—
18 Section 206 of the Depository Institution Management
19 Interlocks Act (12 U.S.C. 3205) is amended—

20 (1) in subsection (a), by striking “for a period
21 of, subject to the requirements of subsection (c), 20
22 years after the date of enactment of this title”;

23 (2) in subsection (b), by striking the second
24 sentence; and

25 (3) by striking subsection (c).

1 (c) RULES OR REGULATIONS.—Section 209 of the
 2 Depository Institution Management Interlocks Act (12
 3 U.S.C. 3207) is amended—

4 (1) in subsection (a)—

5 (A) by striking “(a) IN GENERAL.—Rules”
 6 and inserting “Rules”;

7 (B) by inserting “, including rules or regu-
 8 lations that permit service by a management of-
 9 ficial that would otherwise be prohibited by sec-
 10 tion 203 or section 204, if such service would
 11 not result in a monopoly or substantial lessen-
 12 ing of competition,” after “title”;

13 (C) in paragraph (4)—

14 (i) by striking “Federal Home Loan
 15 Bank Board” and inserting “Director of
 16 the Office of Thrift Supervision”; and

17 (ii) by striking “Savings and Loan”
 18 and inserting “Deposit”; and

19 (2) by striking subsections (b) and (c).

20 **SEC. 211. ELIMINATION OF RECORDKEEPING AND REPORT-**
 21 **ING REQUIREMENTS FOR OFFICERS.**

22 (a) EMPLOYEE BENEFIT PLANS.—Section 22(h)(2)
 23 of the Federal Reserve Act (12 U.S.C. 375b(2)) is amend-
 24 ed—

1 (1) by redesignating subparagraphs (A) through
2 (C) as clauses (i) through (iii), respectively, and in-
3 denting appropriately;

4 (2) by striking “(2) PREFERENTIAL TERMS
5 PROHIBITED.—” and inserting the following:

6 “(2) PREFERENTIAL TERMS PROHIBITED.—

7 “(A) IN GENERAL.—”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(B) EXCEPTION.—Nothing in this para-
11 graph shall prohibit any extension of credit
12 made pursuant to a benefit or compensation
13 program—

14 “(i) that is widely available to employ-
15 ees of the member bank; and

16 “(ii) that does not give preference to
17 any officer, director, or principal share-
18 holder of the member bank, or to any re-
19 lated interest of such person, over other
20 employees of the member bank.”.

21 (b) EXCEPTION FOR EXTENSIONS OF CREDIT TO EX-
22 ECUTIVE OFFICERS AND DIRECTORS OF AFFILIATES.—
23 Section 22(h)(8)(B) of the Federal Reserve Act (12
24 U.S.C. 375b(8)(B)) is amended to read as follows:

1 “(B) EXCEPTION.—The Board may, by
2 regulation, make exceptions to subparagraph
3 (A) for any executive officer or director of a
4 subsidiary of a company that controls the mem-
5 ber bank if—

6 “(i) the executive officer or director
7 does not have authority to participate, and
8 does not participate, in major policymaking
9 functions of the member bank; and

10 “(ii) the assets of such subsidiary do
11 not exceed 10 percent of the consolidated
12 assets of a company that controls the
13 member bank and such subsidiary (and is
14 not controlled by any other company).”.

15 **SEC. 212. REPAYMENT OF TREASURY LOAN.**

16 Section 1108 of the Federal Financial Institutions
17 Reform, Recovery, and Enforcement Act of 1989 (12
18 U.S.C. 3337) is amended by adding at the end the follow-
19 ing new subsection.—

20 “(c) REPAYMENT OF TREASURY LOAN.—Not later
21 than September 30, 1998, the Appraisal Subcommittee
22 shall repay to the Secretary of the Treasury the unpaid
23 portion of the \$5,000,000 paid to the Appraisal Sub-
24 committee pursuant to this section.”.

1 **SEC. 213. BRANCH CLOSURES.**

2 Section 42 of the Federal Deposit Insurance Act (12
3 U.S.C. 1831r-1) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(e) SCOPE OF APPLICATION.—This section shall not
6 apply with respect to—

7 “(1) an automated teller machine;

8 “(2) the relocation of a branch or consolidation
9 of one or more branches into another branch, if the
10 relocation or consolidation—

11 “(A) occurs within the immediate neigh-
12 borhood; and

13 “(B) does not substantially affect the na-
14 ture of the business or customers served; or

15 “(3) a branch that is closed in connection
16 with—

17 “(A) an emergency acquisition under—

18 “(i) section 11(n); or

19 “(ii) subsection (f) or (k) of section
20 13; or

21 “(B) any assistance provided by the Cor-
22 poration under section 13(c).”.

23 **SEC. 214. FOREIGN BANKS.**

24 (a) EXAMINATION OF BRANCHES AND AGENCIES BY
25 BOARD.—Section 7(c) of the International Banking Act
26 of 1978 (12 U.S.C. 3105(c)) is amended—

1 (1) by striking “(c)” and inserting the follow-
2 ing:

3 “(c) FOREIGN BANK EXAMINATIONS AND REPORT-
4 ING.—”;

5 (2) in paragraph (1)(B), by adding at the end
6 the following new clause:

7 “(iii) AVOIDANCE OF DUPLICATION.—
8 In exercising its authority under this para-
9 graph, the Board shall take all reasonable
10 measures to reduce burden and avoid un-
11 necessary duplication of examinations.”;

12 (3) by striking subparagraph (C) of paragraph
13 (1) and inserting the following:

14 “(C) ON-SITE EXAMINATION.—Each Fed-
15 eral branch or agency, and each State branch
16 or agency, of a foreign bank shall be subject to
17 on-site examination by an appropriate Federal
18 banking agency or State bank supervisor as fre-
19 quently as would a national bank or a State
20 bank, respectively, by the appropriate Federal
21 banking agency.”; and

22 (4) in paragraph (1)(D), by inserting before the
23 period at the end the following: “, only to the same
24 extent that fees are collected by the Board for exam-
25 ination of any State member bank”.

1 (b) ESTABLISHMENT OF FOREIGN BANK OFFICES IN
2 THE UNITED STATES.—Section 7(d) of the International
3 Banking Act of 1978 (12 U.S.C. 3105(d)) is amended—

4 (1) in paragraph (2), by striking “The Board”
5 and inserting “Except as provided in paragraph (6),
6 the Board”;

7 (2) in paragraph (5), by striking “Consistent
8 with the standards for approval in paragraph (2),
9 the”; and inserting “The”; and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(6) EXCEPTION.—

13 “(A) IN GENERAL.—If the Board is unable
14 to find, under paragraph (2), that a foreign
15 bank is subject to comprehensive supervision or
16 regulation on a consolidated basis by the appro-
17 priate authorities in its home country, the
18 Board may nevertheless approve an application
19 by such foreign bank under paragraph (1) if—

20 “(i) the appropriate authorities in the
21 home country of the foreign bank are ac-
22 tively working to establish arrangements
23 for the consolidated supervision of such
24 bank; and

1 “(ii) all other factors are consistent
2 with approval.

3 “(B) OTHER CONSIDERATIONS.—In decid-
4 ing whether to use its discretion under subpara-
5 graph (A), the Board shall also consider wheth-
6 er the foreign bank has adopted and imple-
7 ments procedures to combat money laundering.
8 The Board may also take into account whether
9 the home country of the foreign bank is devel-
10 oping a legal regime to address money launder-
11 ing or is participating in multilateral efforts to
12 combat money laundering.

13 “(C) ADDITIONAL CONDITIONS.—In ap-
14 proving an application under this paragraph,
15 the Board, after requesting and taking into
16 consideration the views of the appropriate State
17 bank supervisor or the Comptroller of the Cur-
18 rency, as the case may be, may impose such
19 conditions or restrictions relating to the activi-
20 ties or business operations of the proposed
21 branch, agency, or commercial lending company
22 subsidiary, including restrictions on sources of
23 funding, as are considered appropriate. The
24 Board shall coordinate with the appropriate
25 State bank supervisor or the Comptroller of the

1 Currency, as appropriate, in the implementation
2 of such conditions or restrictions.

3 “(D) MODIFICATION OF CONDITIONS.—

4 Any condition or restriction imposed by the
5 Board in connection with the approval of an ap-
6 plication under authority of this paragraph may
7 be modified or withdrawn.

8 “(7) TIME PERIOD FOR BOARD ACTION.—

9 “(A) FINAL ACTION.—The Board shall
10 take final action on any application under para-
11 graph (1) not later than 180 days after receipt
12 of the application, except that the Board may
13 extend for an additional 180 days the period
14 within which to take final action on such appli-
15 cation after providing notice of, and the reasons
16 for, the extension to the applicant foreign bank
17 and any appropriate State bank supervisor or
18 the Comptroller of the Currency, as appro-
19 priate.

20 “(B) FAILURE TO SUBMIT INFORMA-

21 TION.—The Board may deny any application if
22 it does not receive information requested from
23 the applicant foreign bank or appropriate au-
24 thorities in the home country of the foreign
25 bank in sufficient time to permit the Board to

1 evaluate such information adequately within the
2 time periods for final action set forth in sub-
3 paragraph (A).

4 “(C) WAIVER.—A foreign bank may waive
5 the applicability of this paragraph with respect
6 to any application under paragraph (1).”.

7 (c) TERMINATION OF FOREIGN BANK OFFICES IN
8 THE UNITED STATES.—Section 7(e)(1)(A) of the Inter-
9 national Banking Act of 1978 (12 U.S.C. 3105(e)(1)(A))
10 is amended—

11 (1) by inserting “(i)” after “(A)”;

12 (2) by striking “or” at the end and inserting
13 “and”; and

14 (3) by adding at the end the following new
15 clause:

16 “(ii) the appropriate authorities in the
17 home country of the foreign bank are not mak-
18 ing demonstrable progress in establishing ar-
19 rangements for the comprehensive supervision
20 or regulation of such foreign bank on a consoli-
21 dated basis; or”.

22 **SEC. 215. DISPOSITION OF FORECLOSED ASSETS.**

23 Section 4(c)(2) of the Bank Holding Company Act
24 of 1956 (12 U.S.C. 1843(c)(2)) is amended—

1 (1) by striking “for not more than one year at
2 a time”; and

3 (2) by striking “but no such extensions shall ex-
4 tend beyond a date five years” and inserting “and,
5 in the case of a bank holding company which has
6 not disposed of such shares within 5 years after the
7 date on which such shares were acquired, the Board
8 may, upon the application of such company, grant
9 additional exemptions if, in the judgment of the
10 Board, such extension would not be detrimental to
11 the public interest and, either the bank holding com-
12 pany has made a good faith attempt to dispose of
13 such shares during such 5-year period, or the dis-
14 posal of such shares during such 5-year period
15 would have been detrimental to the company, except
16 that the aggregate duration of such extensions shall
17 not extend beyond 10 years”.

18 **SEC. 216. EXEMPTION AUTHORITY FOR ANTITRYING PROVI-**
19 **SION.**

20 (a) FEDERAL RESERVE AUTHORITY.—Section
21 106(b)(1) of the Bank Holding Company Act Amend-
22 ments of 1970 (12 U.S.C. 1972(1)) is amended in the last
23 sentence, by inserting “and the prohibitions of section
24 4(f)(9) and 4(h)(2) of the Bank Holding Company Act
25 of 1956” after “prohibition”.

1 (b) OTS AUTHORITY.—Section 5(q) of the Home
2 Owners’ Loan Act (12 U.S.C. 1464(q)) is amended by
3 adding at the end the following new paragraph:

4 “(6) EXCEPTIONS.—The Director may, by reg-
5 ulation or order, permit such exceptions to the pro-
6 hibitions of this subsection as the Director considers
7 will not be contrary to the purposes of this sub-
8 section and which conform to exceptions granted by
9 the Board of Governors of the Federal Reserve Sys-
10 tem pursuant to section 106(b) of the Bank Holding
11 Company Act Amendments of 1970.”.

12 **SEC. 217. FDIC APPROVAL OF NEW STATE BANK POWERS.**

13 Section 24 of the Federal Deposit Insurance Act (12
14 U.S.C. 1831a) is amended—

15 (1) in subsection (a)—

16 (A) by redesignating paragraphs (1) and
17 (2) as subparagraphs (A) and (B), respectively,
18 and indenting appropriately;

19 (B) by striking “IN GENERAL.—” and in-
20 serting the following: “PERMISSIBLE ACTIVI-
21 TIES.—

22 “(1) IN GENERAL.—”; and

23 (C) by adding at the end the following new
24 paragraph:

25 “(2) PROCESSING PERIOD.—

1 “(A) IN GENERAL.—The Corporation shall
2 make a determination under paragraph (1)(A)
3 not later than 60 days after receipt of a com-
4 pleted application that may be required under
5 this subsection.

6 “(B) EXTENSION OF TIME PERIOD.—The
7 Corporation may extend the 60-day period re-
8 ferred to in subparagraph (A) for not more
9 than 30 additional days, and shall notify the
10 applicant of any such extension.”; and

11 (2) in subsection (d), by adding at the end the
12 following new paragraph:

13 “(3) PROCESSING PERIOD.—

14 “(A) IN GENERAL.—The Corporation shall
15 make a determination under paragraph (1)(A)
16 not later than 60 days after receipt of a com-
17 pleted application that may be required under
18 this subsection.

19 “(B) EXTENSION OF TIME PERIOD.—The
20 Corporation may extend the 60-day period re-
21 ferred to in subparagraph (A) for not more
22 than 30 additional days, and shall notify the
23 applicant of any such extension.”.

1 **Subtitle B—Eliminating**
 2 **Unnecessary Regulatory Burdens**

3 **SEC. 221. SMALL BANK EXAMINATION CYCLE.**

4 Section 10(d) of the Federal Deposit Insurance Act
 5 (12 U.S.C. 1820(d)) is amended—

6 (1) by redesignating the second paragraph des-
 7 ignated as paragraph (8) as paragraph (10), and by
 8 inserting that paragraph, as redesignated, imme-
 9 diately after paragraph (9); and

10 (2) in paragraph (10), as redesignated, by
 11 striking “\$175,000,000” and inserting
 12 “\$250,000,000”.

13 **SEC. 222. REQUIRED REVIEW OF REGULATIONS.**

14 (a) IN GENERAL.—Not less frequently than once
 15 every 10 years, the Council and each appropriate Federal
 16 banking agency represented on the Council shall conduct
 17 a review of all regulations promulgated by the Council or
 18 by any such appropriate Federal banking agency, respec-
 19 tively, in order to identify outdated or otherwise unneces-
 20 sary regulatory requirements imposed on insured deposi-
 21 tory institutions.

22 (b) PROCESS.—In conducting the review under sub-
 23 section (a), the Council or the appropriate Federal bank-
 24 ing agency shall—

1 (1) categorize the regulations described in sub-
2 section (a) by type (such as consumer regulations,
3 safety and soundness regulations, or such other des-
4 ignations as determined by the Council, or the ap-
5 propriate Federal banking agency); and

6 (2) at regular intervals, provide notice and so-
7 licit public comment on a particular category or cat-
8 egories of regulations, requesting commentators to
9 identify areas of the regulations that are outdated,
10 unnecessary, or unduly burdensome.

11 (c) COMPLETE REVIEW.—The Council or the appro-
12 priate Federal banking agency shall ensure that the notice
13 and comment period described in subsection (b)(2) is con-
14 ducted with respect to all regulations described in sub-
15 section (a) not less frequently than once every 10 years.

16 (d) REGULATORY RESPONSE.—The Council or the
17 appropriate Federal banking agency shall—

18 (1) publish in the Federal Register a summary
19 of the comments received under this section, identi-
20 fying significant issues raised and providing com-
21 ment on such issues; and

22 (2) eliminate unnecessary regulations to the ex-
23 tent that such action is appropriate.

1 (e) REPORT TO CONGRESS.—Not later than 30 days
2 after carrying out subsection (d)(1), the Council shall sub-
3 mit to the Congress a report, which shall include—

4 (1) a summary of any significant issues raised
5 by public comments received by the Council and the
6 appropriate Federal banking agencies under this sec-
7 tion and the relative merits of such issues; and

8 (2) an analysis of whether the appropriate Fed-
9 eral banking agency involved is able to address the
10 regulatory burdens associated with such issues by
11 regulation, or whether such burdens must be ad-
12 dressed by legislative action.

13 **SEC. 223. REPEAL OF IDENTIFICATION OF NONBANK FI-**
14 **NANCIAL INSTITUTION CUSTOMERS.**

15 Subchapter II of chapter 53 of title 31, United States
16 Code, is amended—

17 (1) by striking section 5327;

18 (2) in the chapter analysis, by striking the item
19 relating to section 5327; and

20 (3) in section 5321(a), by striking paragraph
21 (7).

1 **SEC. 224. REPEAL OF CERTAIN REPORTING REQUIRE-**
 2 **MENTS.**

3 (a) FDIA.—Section 477 of the Federal Deposit In-
 4 surance Corporation Improvement Act of 1991 (12 U.S.C.
 5 251) is repealed.

6 (b) FIRREA.—Section 918 of the Financial Institu-
 7 tions Reform, Recovery, and Enforcement Act of 1989 (12
 8 U.S.C. 1833 note) is repealed.

9 (c) ILS.—Section 913 of the International Lending
 10 Supervision Act of 1983 (12 U.S.C. 3912) is repealed.

11 **SEC. 225. INCREASE IN HOME MORTGAGE DISCLOSURE EX-**
 12 **EMPTION THRESHOLD.**

13 (a) IN GENERAL.—Section 309 of the Home Mort-
 14 gage Disclosure Act of 1975 (12 U.S.C. 2808) is amended
 15 in the second sentence, by striking “\$10,000,000” and in-
 16 serting “\$50,000,000”.

17 (b) OPPORTUNITY TO REDUCE COMPLIANCE BUR-
 18 DEN.—Section 304 of the Home Mortgage Disclosure Act
 19 of 1975 (12 U.S.C. 2803) is amended by adding at the
 20 end the following new subsection:

21 “(m) OPPORTUNITY TO REDUCE COMPLIANCE BUR-
 22 DEN.—

23 “(1) IN GENERAL.—

24 “(A) SATISFACTION OF PUBLIC AVAILABIL-
 25 ITY REQUIREMENTS.—A depository institution
 26 shall be deemed to have satisfied the public

1 availability requirements of subsection (a) if the
2 institution compiles the information required
3 under that subsection at the home office of the
4 institution and provides notice at the branch lo-
5 cations specified in subsection (a) that such in-
6 formation is available from the home office of
7 the institution upon written request.

8 “(B) PROVISION OF INFORMATION UPON
9 REQUEST.—Not later than 15 days after the re-
10 ceipt of a written request for any information
11 required to be compiled under subsection (a),
12 the home office of the depository institution re-
13 ceiving the request shall provide the information
14 pertinent to the location of the branch in ques-
15 tion to the person requesting the information.

16 “(2) FORM OF INFORMATION.—In complying
17 with paragraph (1), a depository institution shall, in
18 the sole discretion of the institution, provide the per-
19 son requesting the information with—

20 “(A) a paper copy of the information re-
21 quested; or

22 “(B) if acceptable to the person, the infor-
23 mation through a form of electronic medium,
24 such as a computer disk.”.

1 **SEC. 226. ELIMINATION OF STOCK LOAN REPORTING RE-**
2 **QUIREMENT.**

3 Section 7(j) of the Federal Deposit Insurance Act (12
4 U.S.C. 1817(j)) is amended—

5 (1) in paragraph (9)(A)—

6 (A) by striking “financial institution and
7 any affiliate of any financial institution” and
8 inserting “foreign bank, or any affiliate there-
9 of,”; and

10 (B) by striking “by the financial institu-
11 tion and such institution’s affiliates” and in-
12 serting “by the foreign bank or any affiliate
13 thereof”;

14 (2) in paragraph (9)(B)—

15 (A) by striking “paragraph—” and insert-
16 ing “paragraph, the following definitions shall
17 apply.”;

18 (B) by striking clause (i) and inserting the
19 following:

20 “(i) FOREIGN BANK.—The terms ‘for-
21 eign bank’ and ‘affiliate’ have the same
22 meanings as in section 1 of the Inter-
23 national Banking Act of 1978.”; and

24 (C) in clause (iii), by striking “financial in-
25 stitution” and inserting “foreign bank or any
26 affiliate thereof”;

1 (3) in paragraph (9)(C)—

2 (A) by striking “financial institution or
3 any of its affiliates” and inserting “foreign
4 bank or any affiliate thereof”; and

5 (B) by striking “financial institution or its
6 affiliates” and inserting “foreign bank or any
7 affiliate thereof”;

8 (4) in paragraph (9)(D)—

9 (A) in clause (i)—

10 (i) by striking “the financial institu-
11 tion and all affiliates of the institution”
12 and inserting “the foreign bank and all af-
13 filiates thereof”; and

14 (ii) by striking “financial institution
15 or any such affiliate” and inserting “for-
16 eign bank or affiliate thereof”;

17 (B) in clause (ii), by striking “financial in-
18 stitution and any affiliate of such institution”
19 and inserting “foreign bank and any affiliate
20 thereof”; and

21 (C) in clause (iii), by striking “financial in-
22 stitution” and inserting “foreign bank or any
23 affiliate thereof”; and

24 (5) in paragraph (9)(E)—

25 (A) in clause (i)—

1 (i) by striking “a financial institution
2 and the affiliates of such institution” and
3 inserting “a foreign bank or any affiliate
4 thereof”; and

5 (ii) by striking “institution or affili-
6 ate” each place such term appears and in-
7 serting “foreign bank or any affiliate
8 thereof”; and

9 (B) in clause (ii), by striking “financial in-
10 stitution and any affiliate of such institution”
11 and inserting “foreign bank and any affiliate
12 thereof”.

13 **SEC. 227. CREDIT AVAILABILITY ASSESSMENT.**

14 (a) STUDY.—

15 (1) IN GENERAL.—Not later than 12 months
16 after the date of enactment of this Act, and once
17 every 60 months thereafter, the Board, in consulta-
18 tion with the Director of the Office of Thrift Super-
19 vision, the Comptroller of the Currency, the Board
20 of Directors of the Corporation, the Administrator of
21 the National Credit Union Administration, the Ad-
22 ministrator of the Small Business Administration,
23 and the Secretary of Commerce, shall conduct a
24 study and submit a report to the Congress detailing
25 the extent of small business lending by all creditors.

1 (2) CONTENTS OF STUDY.—The study required
2 under paragraph (1) shall identify, to the extent
3 practicable, those factors which provide policymakers
4 with insights into the small business credit market,
5 including—

6 (A) the demand for small business credit,
7 including consideration of the impact of eco-
8 nomic cycles on the levels of such demand;

9 (B) the availability of credit to small busi-
10 nesses;

11 (C) the range of credit options available to
12 small businesses, such as those available from
13 insured depository institutions and other pro-
14 viders of credit;

15 (D) the types of credit products used to fi-
16 nance small business operations, including the
17 use of traditional loans, leases, lines of credit,
18 home equity loans, credit cards, and other
19 sources of financing;

20 (E) the credit needs of small businesses,
21 including, if appropriate, the extent to which
22 such needs differ, based upon product type, size
23 of business, cash flow requirements, character-
24 istics of ownership or investors, or other aspects
25 of such business;

1 (F) the types of risks to creditors in pro-
 2 viding credit to small businesses; and

3 (G) such other factors as the Board deems
 4 appropriate.

5 (b) USE OF EXISTING DATA.—The studies required
 6 by this section shall not increase the regulatory or paper-
 7 work burden on regulated financial institutions, other
 8 sources of small business credit, or small businesses.

9 **Subtitle C—Regulatory**
 10 **Micromanagement**

11 **SEC. 241. NATIONAL BANK DIRECTORS.**

12 Section 5146 of the Revised Statutes (12 U.S.C. 72)
 13 is amended in the first sentence, by striking “except” and
 14 all that follows through the end of the sentence and insert-
 15 ing the following: “except that the Comptroller may, in
 16 the discretion of the Comptroller, waive the requirement
 17 of residency.”.

18 **SEC. 242. PAPERWORK REDUCTION REVIEW.**

19 Section 303(a) of the Riegle Community Develop-
 20 ment and Regulatory Improvement Act of 1994 (12
 21 U.S.C. 4803(a)) is amended—

22 (1) by redesignating paragraphs (2) and (3) as
 23 paragraphs (3) and (4), respectively; and

24 (2) by inserting after paragraph (1) the follow-
 25 ing new paragraph:

1 “(2) review the extent to which existing regula-
 2 tions require insured depository institutions and in-
 3 sured credit unions to produce unnecessary internal
 4 written policies and eliminate such requirements,
 5 where appropriate;”.

6 **SEC. 243. STATE BANK REPRESENTATION ON BOARD OF DI-**
 7 **RECTORS OF THE FDIC.**

8 Section 2(a)(1)(C) of the Federal Deposit Insurance
 9 Act (12 U.S.C. 1812(a)(1)(C)) is amended by inserting
 10 before the period “, 1 of whom shall have State bank su-
 11 pervisory experience”.

12 **SEC. 244. CONSULTATION AMONG EXAMINERS.**

13 Section 10 of the Federal Deposit Insurance Act (12
 14 U.S.C. 1820) is amended by adding at the end the follow-
 15 ing new subsection:

16 “(j) CONSULTATION AMONG EXAMINERS.—

17 “(1) IN GENERAL.—Each appropriate Federal
 18 banking agency shall take such action as may be
 19 necessary to ensure that examiners employed by the
 20 agency—

21 “(A) consult on examination activities with
 22 respect to any depository institution; and

23 “(B) achieve an agreement and resolve any
 24 inconsistencies in the recommendations to be

1 given to such institution as a consequence of
2 any examinations.

3 “(2) EXAMINER-IN-CHARGE.—Each appropriate
4 Federal banking agency shall consider appointing an
5 examiner-in-charge with respect to a depository in-
6 stitution to ensure consultation on examination ac-
7 tivities among all of the examiners of that agency in-
8 volved in examinations of the institution.”.

9 **TITLE III—REGULATORY IMPACT**
10 **ON COST OF CREDIT AND**
11 **CREDIT AVAILABILITY**

12 **SEC. 301. AUDIT COSTS.**

13 (a) AUDITOR ATTESTATIONS.—Section 36 of the
14 Federal Deposit Insurance Act (12 U.S.C. 1831m) is
15 amended by striking subsection (e) and inserting the fol-
16 lowing:

17 “(e) [Reserved.]”.

18 (b) INDEPENDENT AUDIT COMMITTEES.—Section
19 36(g)(1) of the Federal Deposit Insurance Act (12 U.S.C.
20 1831m(g)(1)) is amended—

21 (1) in subparagraph (A), by inserting “, except
22 as provided in subparagraph (D)” after “manage-
23 ment of the institution”; and

24 (2) by adding at the end the following new sub-
25 paragraph:

1 “(D) EXEMPTION AUTHORITY.—

2 “(i) IN GENERAL.—An appropriate
3 Federal banking agency may, by order or
4 regulation, permit the independent audit
5 committee of an insured depository institu-
6 tion to be made up of less than all, but no
7 fewer than a majority of, outside directors,
8 if the agency determines that the institu-
9 tion has encountered hardships in retain-
10 ing and recruiting a sufficient number of
11 competent outside directors to serve on the
12 internal audit committee of the institution.

13 “(ii) FACTORS TO BE CONSIDERED.—
14 In determining whether an insured deposi-
15 tory institution has encountered hardships
16 referred to in clause (i), the appropriate
17 Federal banking agency shall consider fac-
18 tors such as the size of the institution, and
19 whether the institution has made a good
20 faith effort to elect or name additional
21 competent outside directors to the board of
22 directors of the institution who may serve
23 on the internal audit committee.”.

24 (c) PUBLIC AVAILABILITY.—Section 36(a)(3) of the
25 Federal Deposit Insurance Act (12 U.S.C. 1831m(a)(3))

1 is amended by adding at the end the following: “Notwith-
 2 standing the preceding sentence, the Corporation and the
 3 appropriate Federal banking agencies may designate cer-
 4 tain information as privileged and confidential and not
 5 available to the public.”.

6 **SEC. 302. INCENTIVES FOR SELF-TESTING.**

7 (a) EQUAL CREDIT OPPORTUNITY.—

8 (1) IN GENERAL.—The Equal Credit Oppor-
 9 tunity Act (15 U.S.C. 1691 et seq.) is amended by
 10 inserting after section 704 the following new section:

11 **“SEC. 704A. INCENTIVES FOR SELF-TESTING AND SELF-
 12 CORRECTION.**

13 “(a) PRIVILEGED INFORMATION.—

14 “(1) CONDITIONS FOR PRIVILEGE.—A report or
 15 result of a self-test (as that term is defined by regu-
 16 lations of the Board) shall be considered to be privi-
 17 leged under paragraph (2) if a creditor—

18 “(A) conducts, or authorizes an independ-
 19 ent third party to conduct, a self-test of any as-
 20 pect of a credit transaction by a creditor, in
 21 order to determine the level or effectiveness of
 22 compliance with this title by the creditor; and

23 “(B) has identified any possible violation
 24 of this title by the creditor and has taken, or

1 is taking, appropriate corrective action to ad-
2 dress any such possible violation.

3 “(2) PRIVILEGED SELF-TEST.—If a creditor
4 meets the conditions specified in subparagraphs (A)
5 and (B) of paragraph (1) with respect to a self-test
6 described in that paragraph, any report or results of
7 that self-test—

8 “(A) shall be privileged; and

9 “(B) may not be obtained or used by any
10 applicant, department, or agency in any—

11 “(i) proceeding or civil action in which
12 one or more violations of this title are al-
13 leged; or

14 “(ii) examination or investigation re-
15 lating to compliance with this title.

16 “(b) RESULTS OF SELF-TESTING.—

17 “(1) IN GENERAL.—No provision of this section
18 may be construed to prevent an applicant, depart-
19 ment, or agency from obtaining or using a report or
20 results of any self-test in any proceeding or civil ac-
21 tion in which a violation of this title is alleged, or
22 in any examination or investigation of compliance
23 with this title if—

24 “(A) the creditor or any person with lawful
25 access to the report or results—

1 “(i) voluntarily releases or discloses
2 all, or any part of, the report or results to
3 the applicant, department, or agency, or to
4 the general public; or

5 “(ii) refers to or describes the report
6 or results as a defense to charges of viola-
7 tions of this title against the creditor to
8 whom the self-test relates; or

9 “(B) the report or results are sought in
10 conjunction with an adjudication or admission
11 of a violation of this title for the sole purpose
12 of determining an appropriate penalty or rem-
13 edy.

14 “(2) DISCLOSURE FOR DETERMINATION OF
15 PENALTY OR REMEDY.—Any report or results of a
16 self-test that are disclosed for the purpose specified
17 in paragraph (1)(B)—

18 “(A) shall be used only for the particular
19 proceeding in which the adjudication or admis-
20 sion referred to in paragraph (1)(B) is made;
21 and

22 “(B) may not be used in any other action
23 or proceeding.

24 “(c) ADJUDICATION.—An applicant, department, or
25 agency that challenges a privilege asserted under this sec-

1 tion may seek a determination of the existence and appli-
 2 cation of that privilege in—

3 “(1) a court of competent jurisdiction; or

4 “(2) an administrative law proceeding with ap-
 5 propriate jurisdiction.”.

6 (2) REGULATIONS.—

7 (A) IN GENERAL.—Not later than 6
 8 months after the date of enactment of this Act,
 9 in consultation with the Secretary of Housing
 10 and Urban Development and the agencies re-
 11 ferred to in section 704 of the Equal Credit Op-
 12 portunity Act, and after providing notice and
 13 an opportunity for public comment, the Board
 14 shall promulgate final regulations to implement
 15 section 704A of the Equal Credit Opportunity
 16 Act, as added by this section.

17 (B) SELF-TEST.—

18 (i) DEFINITION.—The regulations
 19 promulgated under subparagraph (A) shall
 20 include a definition of the term “self-test”
 21 for purposes of section 704A of the Equal
 22 Credit Opportunity Act, as added by this
 23 section.

24 (ii) REQUIREMENT FOR SELF-TEST.—

25 The regulations promulgated under sub-

1 paragraph (A) shall specify that a self-test
 2 shall be sufficiently extensive to constitute
 3 a determination of the level and effective-
 4 ness of compliance by a creditor with the
 5 Equal Credit Opportunity Act.

6 (iii) SUBSTANTIAL SIMILARITY TO
 7 CERTAIN FAIR HOUSING ACT REGULA-
 8 TIONS.—The regulations promulgated
 9 under subparagraph (A) shall be substan-
 10 tially similar to the regulations promul-
 11 gated by the Secretary of Housing and
 12 Urban Development to carry out section
 13 814A(d) of the Fair Housing Act, as
 14 added by this section.

15 (3) CLERICAL AMENDMENT.—The table of sec-
 16 tions for title VII of the Consumer Credit Protection
 17 Act is amended by inserting after the item relating
 18 to section 704 the following new item:

“704A. Incentives for self-testing and self-correction.”.

19 (b) FAIR HOUSING.—

20 (1) IN GENERAL.—The Fair Housing Act (42
 21 U.S.C. 3601 et seq.) is amended by inserting after
 22 section 814 the following new section:

23 **“SEC. 814A. INCENTIVES FOR SELF-TESTING AND SELF-
 24 CORRECTION.**

25 **“(a) PRIVILEGED INFORMATION.—**

1 “(1) CONDITIONS FOR PRIVILEGE.—A report or
2 result of a self-test (as that term is defined by regu-
3 lation of the Secretary) shall be considered to be
4 privileged under paragraph (2) if any person—

5 “(A) conducts, or authorizes an independ-
6 ent third party to conduct, a self-test of any as-
7 pect of a residential real estate related lending
8 transaction of that person, or any part of that
9 transaction, in order to determine the level or
10 effectiveness of compliance with this title by
11 that person; and

12 “(B) has identified any possible violation
13 of this title by that person and has taken, or is
14 taking, appropriate corrective action to address
15 any such possible violation.

16 “(2) PRIVILEGED SELF-TEST.—If a person
17 meets the conditions specified in subparagraphs (A)
18 and (B) of paragraph (1) with respect to a self-test
19 described in that paragraph, any report or results of
20 that self-test—

21 “(A) shall be privileged; and

22 “(B) may not be obtained or used by any
23 applicant, department, or agency in any—

1 “(i) proceeding or civil action in which
2 one or more violations of this title are al-
3 leged; or

4 “(ii) examination or investigation re-
5 lating to compliance with this title.

6 “(b) RESULTS OF SELF-TESTING.—

7 “(1) IN GENERAL.—No provision of this section
8 may be construed to prevent an aggrieved person,
9 complainant, department, or agency from obtaining
10 or using a report or results of any self-test in any
11 proceeding or civil action in which a violation of this
12 title is alleged, or in any examination or investiga-
13 tion of compliance with this title if—

14 “(A) the person to whom the self-test re-
15 lates or any person with lawful access to the re-
16 port or the results—

17 “(i) voluntarily releases or discloses
18 all, or any part of, the report or results to
19 the aggrieved person, complainant, depart-
20 ment, or agency, or to the general public;
21 or

22 “(ii) refers to or describes the report
23 or results as a defense to charges of viola-
24 tions of this title against the person to
25 whom the self-test relates; or

1 “(B) the report or results are sought in
2 conjunction with an adjudication or admission
3 of a violation of this title for the sole purpose
4 of determining an appropriate penalty or rem-
5 edy.

6 “(2) DISCLOSURE FOR DETERMINATION OF
7 PENALTY OR REMEDY.—Any report or results of a
8 self-test that are disclosed for the purpose specified
9 in paragraph (1)(B)—

10 “(A) shall be used only for the particular
11 proceeding in which the adjudication or admis-
12 sion referred to in paragraph (1)(B) is made;
13 and

14 “(B) may not be used in any other action
15 or proceeding.

16 “(c) ADJUDICATION.—An aggrieved person, com-
17 plainant, department, or agency that challenges a privilege
18 asserted under this section may seek a determination of
19 the existence and application of that privilege in—

20 “(1) a court of competent jurisdiction; or

21 “(2) an administrative law proceeding with ap-
22 propriate jurisdiction.”.

23 (2) REGULATIONS.—

24 (A) IN GENERAL.—Not later than 6
25 months after the date of enactment of this Act,

1 in consultation with the Board and after provid-
2 ing notice and an opportunity for public com-
3 ment, the Secretary of Housing and Urban De-
4 velopment shall promulgate final regulations to
5 implement section 814A of the Fair Housing
6 Act, as added by this section.

7 (B) SELF-TEST.—

8 (i) DEFINITION.—The regulations
9 promulgated by the Secretary under sub-
10 paragraph (A) shall include a definition of
11 the term “self-test” for purposes of section
12 814A of the Fair Housing Act, as added
13 by this section.

14 (ii) REQUIREMENT FOR SELF-TEST.—

15 The regulations promulgated by the Sec-
16 retary under subparagraph (A) shall speci-
17 fy that a self-test shall be sufficiently ex-
18 tensive to constitute a determination of the
19 level and effectiveness of the compliance by
20 a person engaged in residential real estate
21 related lending activities with the Fair
22 Housing Act.

23 (iii) SUBSTANTIAL SIMILARITY TO
24 CERTAIN EQUAL CREDIT OPPORTUNITY
25 ACT REGULATIONS.—The regulations pro-

1 mulgated under subparagraph (A) shall be
2 substantially similar to the regulations pro-
3 mulgated by the Board to carry out section
4 704A of the Equal Credit Opportunity Act,
5 as added by this section.

6 (c) APPLICABILITY.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the privilege provided for in section 704A
9 of the Equal Credit Opportunity Act or section
10 814A of the Fair Housing Act (as those sections are
11 added by this section) shall apply to a self-test (as
12 that term is defined pursuant to the regulations pro-
13 mulgated under subsection (a)(2) or (b)(2) of this
14 section, as appropriate) conducted before, on, or
15 after the effective date of the regulations promul-
16 gated under subsection (a)(2) or (b)(2), as appro-
17 priate.

18 (2) EXCEPTION.—The privilege referred to in
19 paragraph (1) does not apply to such a self-test con-
20 ducted prior to the effective date of the regulations
21 promulgated under subsection (a) or (b), as appro-
22 priate, if—

23 (A) before that effective date, a complaint
24 against the creditor or person engaged in resi-

1 dential real estate related lending activities (as
2 the case may be) was—

3 (i) formally filed in any court of com-
4 petent jurisdiction; or

5 (ii) the subject of an ongoing adminis-
6 trative law proceeding;

7 (B) in the case of section 704A of the
8 Equal Credit Opportunity Act, the creditor has
9 waived the privilege pursuant to subsection
10 (b)(1)(A)(i) of that section; or

11 (C) in the case of section 814A of the Fair
12 Housing Act, the person engaged in residential
13 real estate related lending activities has waived
14 the privilege pursuant to subsection (b)(1)(A)(i)
15 of that section.

16 **SEC. 303. QUALIFIED THRIFT INVESTMENT AMENDMENTS.**

17 (a) CREDIT CARDS.—Section 5(b) of the Home Own-
18 ers' Loan Act (12 U.S.C. 1464(b)) is amended—

19 (1) by striking paragraph (4); and

20 (2) by redesignating paragraph (5) as para-
21 graph (4).

22 (b) LOANS OR INVESTMENTS WITHOUT PERCENTAGE
23 OF ASSETS LIMITATION.—Section 5(c)(1) of the Home
24 Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by
25 adding at the end the following new subparagraphs:

1 “(T) CREDIT CARD LOANS.—Loans made
2 through credit cards or credit card accounts.

3 “(U) EDUCATIONAL LOANS.—Loans made
4 for the payment of educational expenses.”.

5 (c) COMMERCIAL AND OTHER LOANS.—Section
6 5(c)(2)(A) of the Home Owners’ Loan Act (12 U.S.C.
7 1464(c)(2)(A)) is amended to read as follows:

8 “(A) COMMERCIAL AND OTHER LOANS.—
9 Secured or unsecured loans for commercial, cor-
10 porate, business, or agricultural purposes. The
11 aggregate amount of loans made under this
12 subparagraph may not exceed 20 percent of the
13 total assets of the Federal savings association,
14 and amounts in excess of 10 percent of such
15 total assets may be used under this subpara-
16 graph only for small business loans, as that
17 term is defined by the Director.”.

18 (d) LOANS OR INVESTMENTS LIMITED TO 5 PER-
19 CENT OF ASSETS.—Section 5(c)(3) of the Home Owners’
20 Loan Act (12 U.S.C. 1464(c)(3)) is amended—

21 (1) by striking subparagraph (A); and
22 (2) by redesignating subparagraphs (B), (C),
23 and (D) as subparagraphs (A), (B), and (C), respec-
24 tively.

1 (e) QUALIFIED THRIFT LENDER TEST.—Section
2 10(m)(1) of the Home Owners’ Loan Act (12 U.S.C.
3 1467a(m)(1)) is amended—

4 (1) by redesignating subparagraph (B) as
5 clause (ii);

6 (2) in subparagraph (A), by striking “(A) the
7 savings” and inserting “(B)(i) the savings”; and

8 (3) by inserting after “if—” the following new
9 subparagraph:

10 “(A) the savings association qualifies as a
11 domestic building and loan association, as such
12 term is defined in section 7701(a)(19) of the
13 Internal Revenue Code of 1986; or”.

14 (f) BRANCHING.—Section 5(r) of the Home Owners’
15 Loan Act (12 U.S.C. 1464(r)) is amended—

16 (1) in paragraph (1)—

17 (A) in the first sentence—

18 (i) by inserting before the period “, or
19 qualifies as a qualified thrift lender, as de-
20 termined under section 10(m) of this Act”;
21 and

22 (ii) by striking “(c)” and inserting
23 “(C)”;

24 (B) in the second sentence, by inserting
25 before the period “or as a qualified thrift lend-

1 er, as determined under section 10(m) of this
2 Act, as applicable”; and

3 (2) in paragraph (2), by striking subparagraph
4 (C) and inserting the following:

5 “(C) the law of the State where the branch is
6 located, or is to be located, would permit establish-
7 ment of the branch if the association was a savings
8 association or savings bank chartered by the State
9 in which its home office is located; or”.

10 (g) DEFINITION.—Section 10(m)(4) of the Home
11 Owners’ Loan Act (12 U.S.C. 1467a(m)(4)) is amended—

12 (1) by striking “subsection—” and inserting
13 “subsection, the following definitions shall apply:”;

14 (2) in subparagraph (C)—

15 (A) in clause (ii), by adding at the end the
16 following new subclause:

17 “(VII) Loans for educational
18 purposes, loans to small businesses,
19 and loans made through credit cards
20 or credit card accounts.”; and

21 (B) in clause (iii), by striking subclause
22 (VI) and inserting the following:

23 “(VI) Loans for personal, family,
24 or household purposes (other than
25 loans for personal, family, or house-

1 hold purposes described in clause
2 (ii)(VII).”; and

3 (3) by adding at the end the following new sub-
4 paragraphs:

5 “(D) CREDIT CARD.—The Director shall
6 issue such regulations as may be necessary to
7 define the term ‘credit card’.

8 “(E) SMALL BUSINESS.—The Director
9 shall issue such regulations as may be necessary
10 to define the term ‘small business’.”.

11 **SEC. 304. LIMITED PURPOSE BANKS.**

12 (a) GROWTH CAP RELIEF.—Section 4(f)(3)(B) of the
13 Bank Holding Company Act of 1956 (12 U.S.C.
14 1843(f)(3)(B)) is amended—

15 (1) in clause (ii), by adding “or” at the end;
16 (2) in clause (iii), by striking “; or” at the end
17 and inserting a period; and
18 (3) by striking clause (iv).

19 (b) LIMITED PURPOSE BANK EXCEPTION.—Section
20 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12
21 U.S.C. 1841(c)(2)(F)) is amended by inserting “, includ-
22 ing an institution that accepts collateral for extensions of
23 credit by holding deposits under \$100,000, and by other
24 means” after “An institution”.

1 **SEC. 305. AMENDMENT TO FAIR DEBT COLLECTION PRAC-**
2 **TICES ACT.**

3 (a) IN GENERAL.—Section 807(11) of the Fair Debt
4 Collection Practices Act (15 U.S.C. 1692e(11)) is amend-
5 ed to read as follows:

6 “(11) The failure to disclose in the initial writ-
7 ten communication with the consumer and, in addi-
8 tion, if the initial communication with the consumer
9 is oral, in that initial oral communication, that the
10 debt collector is attempting to collect a debt and
11 that any information obtained will be used for that
12 purpose, and the failure to disclose in subsequent
13 communications that the communication is from a
14 debt collector, except that this paragraph does not
15 apply to a formal pleading made in connection with
16 a legal action.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect 90 days after the date of
19 enactment of this Act and shall apply to all communica-
20 tions made after that date of enactment.

21 **SEC. 306. INCREASE IN CERTAIN CREDIT UNION LOAN**
22 **CEILINGS.**

23 Section 107(5)(A) of the Federal Credit Union Act
24 (12 U.S.C. 1757(5)(A)) is amended—

25 (1) in clause (iv), by striking “\$10,000” and in-
26 serting “\$20,000”; and

1 (2) in clause (v), by striking “\$10,000” and in-
 2 serting “\$20,000”.

3 **SEC. 307. BANK INVESTMENTS IN EDGE ACT AND AGREE-**
 4 **MENT CORPORATIONS.**

5 The 10th undesignated paragraph of section 25A of
 6 the Federal Reserve Act (12 U.S.C. 618) is amended by
 7 striking the last sentence and inserting the following:
 8 “Any national bank may invest in the stock of any cor-
 9 poration organized under this section. The aggregate
 10 amount of stock held by any national bank in all corpora-
 11 tions engaged in business of the kind described in this sec-
 12 tion or section 25 shall not exceed an amount equal to
 13 10 percent of the capital and surplus of such bank unless
 14 the Board determines that the investment of an additional
 15 amount by the bank would not be unsafe or unsound and,
 16 in any case, shall not exceed an amount equal to 20 per-
 17 cent of the capital and surplus of such bank.”.

18 **TITLE IV—CONSUMER CREDIT**
 19 **Subtitle A—Credit Reporting**
 20 **Reform**

21 **SEC. 401. SHORT TITLE.**

22 This subtitle may be cited as the “Consumer Credit
 23 Reporting Reform Act of 1996”.

1 **SEC. 402. DEFINITIONS.**

2 (a) ADVERSE ACTION.—Section 603 of the Fair
3 Credit Reporting Act (15 U.S.C. 1681a) is amended by
4 adding at the end the following new subsection:

5 “(k) ADVERSE ACTION.—

6 “(1) ACTIONS INCLUDED.—The term ‘adverse
7 action’—

8 “(A) has the same meaning as in section
9 701(d)(6) of the Equal Credit Opportunity Act;
10 and

11 “(B) means—

12 “(i) a denial or cancellation of, an in-
13 crease in any charge for, or a reduction or
14 other adverse or unfavorable change in the
15 terms of coverage or amount of, any insur-
16 ance, existing or applied for, in connection
17 with the underwriting of insurance;

18 “(ii) a denial of employment or any
19 other decision for employment purposes
20 that adversely affects any current or pro-
21 spective employee;

22 “(iii) a denial or cancellation of, an
23 increase in any charge for, or any other
24 adverse or unfavorable change in the terms
25 of, any license or benefit described in sec-
26 tion 604(a)(3)(D); and

1 “(iv) an action taken or determination
2 that is—

3 “(I) made in connection with an
4 application that was made by, or a
5 transaction that was initiated by, any
6 consumer, or in connection with a re-
7 view of an account under section
8 604(a)(3)(F)(ii); and

9 “(II) adverse to the interests of
10 the consumer.

11 “(2) APPLICABLE FINDINGS, DECISIONS, COM-
12 MENTARY, AND ORDERS.—For purposes of any de-
13 termination of whether an action is an adverse ac-
14 tion under paragraph (1)(A), all appropriate final
15 findings, decisions, commentary, and orders issued
16 under section 701(d)(6) of the Equal Credit Oppor-
17 tunity Act by the Board of Governors of the Federal
18 Reserve System or any court shall apply.”.

19 (b) FIRM OFFER OF CREDIT OR INSURANCE.—Sec-
20 tion 603 of the Fair Credit Reporting Act (15 U.S.C.
21 1681a) (as amended by subsection (a) of this section) is
22 amended by adding at the end the following new sub-
23 section:

24 “(1) FIRM OFFER OF CREDIT OR INSURANCE.—The
25 term ‘firm offer of credit or insurance’ means any offer

1 of credit or insurance to a consumer that will be honored
2 if the consumer is determined, based on information in
3 a consumer report on the consumer, to meet the specific
4 criteria used to select the consumer for the offer, except
5 that the offer may be further conditioned on one or more
6 of the following:

7 “(1) The consumer being determined, based on
8 information in the consumer’s application for the
9 credit or insurance, to meet specific criteria bearing
10 on credit worthiness or insurability, as applicable,
11 that are established—

12 “(A) before selection of the consumer for
13 the offer; and

14 “(B) for the purpose of determining
15 whether to extend credit or insurance pursuant
16 to the offer.

17 “(2) Verification—

18 “(A) that the consumer continues to meet
19 the specific criteria used to select the consumer
20 for the offer, by using information in a
21 consumer report on the consumer, information
22 in the consumer’s application for the credit or
23 insurance, or other information bearing on the
24 credit worthiness or insurability of the
25 consumer; or

1 “(B) of the information in the consumer’s
2 application for the credit or insurance, to deter-
3 mine that the consumer meets the specific cri-
4 teria bearing on credit worthiness or insurabil-
5 ity.

6 “(3) The consumer furnishing any collateral
7 that is a requirement for the extension of the credit
8 or insurance that was—

9 “(A) established before selection of the
10 consumer for the offer of credit or insurance;
11 and

12 “(B) disclosed to the consumer in the offer
13 of credit or insurance.”.

14 (c) CREDIT OR INSURANCE TRANSACTION THAT IS
15 NOT INITIATED BY THE CONSUMER.—Section 603 of the
16 Fair Credit Reporting Act (15 U.S.C. 1681a) (as amended
17 by subsection (b) of this section) is amended by adding
18 at the end the following new subsection:

19 “(m) CREDIT OR INSURANCE TRANSACTION THAT IS
20 NOT INITIATED BY THE CONSUMER.—The term ‘credit or
21 insurance transaction that is not initiated by the
22 consumer’ does not include the use of a consumer report
23 by a person with which the consumer has an account or
24 insurance policy, for purposes of—

1 “(1) reviewing the account or insurance policy;

2 or

3 “(2) collecting the account.”.

4 (d) STATE.—Section 603 of the Fair Credit Report-
5 ing Act (15 U.S.C. 1681a) (as amended by subsection (c)
6 of this section) is amended by adding at the end the fol-
7 lowing new subsection:

8 “(n) STATE.—The term ‘State’ means any State, the
9 Commonwealth of Puerto Rico, the District of Columbia,
10 and any territory or possession of the United States.”.

11 (e) DEFINITION OF CONSUMER REPORT.—Section
12 603(d) of the Fair Credit Reporting Act (15 U.S.C.
13 1681a(d)) is amended—

14 (1) by striking “(d) The term” and inserting
15 the following:

16 “(d) CONSUMER REPORT.—

17 “(1) IN GENERAL.—The term”;

18 (2) by striking “for (1) credit” and inserting
19 the following: “for—

20 “(A) credit”;

21 (3) by striking “purposes, or (2)” and all that
22 follows through “section 604.” and inserting the fol-
23 lowing: “purposes;

24 “(B) employment purposes; or

1 “(C) any other purpose authorized under
2 section 604.”; and

3 (4) by striking the second sentence and insert-
4 ing the following:

5 “(2) EXCLUSIONS.—The term ‘consumer re-
6 port’ does not include—

7 “(A) any—

8 “(i) report containing information
9 solely as to transactions or experiences be-
10 tween the consumer and the person mak-
11 ing the report;

12 “(ii) communication of that informa-
13 tion among persons related by common
14 ownership or affiliated by corporate con-
15 trol; or

16 “(iii) any communication of other in-
17 formation among persons related by com-
18 mon ownership or affiliated by corporate
19 control, if it is clearly and conspicuously
20 disclosed to the consumer that the infor-
21 mation may be communicated among such
22 persons and the consumer is given the op-
23 portunity, prior to the time that the infor-
24 mation is initially communicated, to direct

1 that such information not be commu-
2 nicated among such persons;

3 “(B) any authorization or approval of a
4 specific extension of credit directly or indirectly
5 by the issuer of a credit card or similar device;

6 “(C) any report in which a person who has
7 been requested by a third party to make a spe-
8 cific extension of credit directly or indirectly to
9 a consumer conveys his or her decision with re-
10 spect to such request, if the third party advises
11 the consumer of the name and address of the
12 person to whom the request was made, and
13 such person makes the disclosures to the
14 consumer required under section 615; or

15 “(D) a communication described in sub-
16 section (o).”.

17 (f) EXCLUSION OF CERTAIN COMMUNICATIONS BY
18 EMPLOYMENT AGENCIES FROM DEFINITION OF
19 CONSUMER REPORT.—Section 603 of the Fair Credit Re-
20 porting Act (15 U.S.C. 1681a) is amended by adding at
21 the end the following new subsection:

22 “(o) EXCLUDED COMMUNICATIONS.—A communica-
23 tion is described in this subsection if it is a communica-
24 tion—

1 “(1) that, but for subsection (d)(2)(E), would
2 be an investigative consumer report;

3 “(2) that is made to a prospective employer for
4 the purpose of—

5 “(A) procuring an employee for the em-
6 ployer; or

7 “(B) procuring an opportunity for a natu-
8 ral person to work for the employer;

9 “(3) that is made by a person who regularly
10 performs such procurement;

11 “(4) that is not used by any person for any
12 purpose other than a purpose described in subpara-
13 graph (A) or (B) of paragraph (2); or

14 “(5) with respect to which—

15 “(A) the consumer who is the subject of
16 the communication—

17 “(i) consents orally or in writing to
18 the nature and scope of the communica-
19 tion, before the collection of any informa-
20 tion for the purpose of making the commu-
21 nication;

22 “(ii) consents orally or in writing to
23 the making of the communication to a pro-
24 spective employer, before the making of the
25 communication; and

1 “(iii) in the case of consent under
2 clause (i) or (ii) given orally, is provided
3 written confirmation of that consent by the
4 person making the communication, not
5 later than 3 business days after the receipt
6 of the consent by that person;

7 “(B) the person who makes the commu-
8 nication does not, for the purpose of making
9 the communication, make any inquiry that if
10 made by a prospective employer of the
11 consumer who is the subject of the communica-
12 tion would violate any applicable Federal or
13 State equal employment opportunity law or reg-
14 ulation; and

15 “(C) the person who makes the commu-
16 nication—

17 “(i) discloses in writing to the
18 consumer who is the subject of the commu-
19 nication, not later than 5 business days
20 after receiving any request from the
21 consumer for such disclosure, the nature
22 and substance of all information in the
23 consumer’s file at the time of the request,
24 except that the sources of any information
25 that is acquired solely for use in making

1 the communication and is actually used for
2 no other purpose, need not be disclosed
3 other than under appropriate discovery
4 procedures in any court of competent juris-
5 diction in which an action is brought; and
6 “(ii) notifies the consumer who is the
7 subject of the communication, in writing,
8 of the consumer’s right to request the in-
9 formation described in clause (i).”.

10 (g) CONSUMER REPORTING AGENCY THAT COM-
11 PILES AND MAINTAINS FILES ON A NATIONWIDE
12 BASIS.—Section 603 of the Fair Credit Reporting Act (15
13 U.S.C. 1681a) (as amended by subsection (f) of this sec-
14 tion) is amended by adding at the end the following new
15 subsection:

16 “(p) CONSUMER REPORTING AGENCY THAT COM-
17 PILES AND MAINTAINS FILES ON CONSUMERS ON A NA-
18 TIONWIDE BASIS.—The term ‘consumer reporting agency
19 that compiles and maintains files on consumers on a na-
20 tionwide basis’ means a consumer reporting agency that
21 regularly engages in the practice of assembling or evaluat-
22 ing, and maintaining, for the purpose of furnishing
23 consumer reports to third parties bearing on a consumer’s
24 credit worthiness, credit standing, or credit capacity, each
25 of the following regarding consumers residing nationwide:

1 “(1) Public record information.

2 “(2) Credit account information from persons
3 who furnish that information regularly and in the
4 ordinary course of business.”.

5 **SEC. 403. FURNISHING CONSUMER REPORTS; USE FOR EM-**
6 **PLOYMENT PURPOSES.**

7 (a) FURNISHING CONSUMER REPORTS FOR BUSI-
8 NESS TRANSACTIONS.—Section 604 of the Fair Credit Re-
9 porting Act (15 U.S.C. 1681b) is amended—

10 (1) by inserting “(a) IN GENERAL.—” before
11 “A consumer reporting agency”; and

12 (2) in subsection (a)(3) (as so designated by
13 paragraph (1) of this subsection), by striking sub-
14 paragraph (E) and inserting the following:

15 “(E) intends to use the information, as a
16 potential investor or servicer, or current in-
17 surer, in connection with a valuation of, or an
18 assessment of the credit or prepayment risks
19 associated with, an existing credit obligation; or

20 “(F) otherwise has a legitimate business need
21 for the information—

22 “(i) in connection with a business trans-
23 action that—

24 “(I) is initiated by the consumer; or

1 “(II) is a direct marketing transaction
2 for which the furnishing of information
3 from a consumer’s file by the agency is not
4 prohibited under subsection (d); or

5 “(ii) to review an account to determine
6 whether the consumer continues to meet the
7 terms of the account.”.

8 (b) FURNISHING AND USING CONSUMER REPORTS
9 FOR EMPLOYMENT PURPOSES.—Section 604 of the Fair
10 Credit Reporting Act (15 U.S.C. 1681b) is amended by
11 adding at the end the following new subsection:

12 “(b) CONDITIONS FOR FURNISHING AND USING
13 CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

14 “(1) CERTIFICATION FROM USER.—A consumer
15 reporting agency may furnish a consumer report for
16 employment purposes only if—

17 “(A) the person who obtains such report
18 from the agency certifies to the agency that—

19 “(i) the person has complied with
20 paragraph (2) with respect to the
21 consumer report, and the person will com-
22 ply with paragraph (3) with respect to the
23 consumer report if paragraph (3) becomes
24 applicable; and

1 “(ii) information from the consumer
2 report will not be used in violation of any
3 applicable Federal or State equal employ-
4 ment opportunity law or regulation; and

5 “(B) the consumer reporting agency pro-
6 vides with the report a summary of the consum-
7 er’s rights under this title, as prescribed by the
8 Federal Trade Commission under section
9 609(c)(3).

10 “(2) DISCLOSURE TO CONSUMER.—A person
11 may not procure a consumer report, or cause a
12 consumer report to be procured, for employment
13 purposes with respect to any consumer, unless—

14 “(A) a clear and conspicuous disclosure
15 has been made in writing to the consumer at
16 any time before the report is procured or
17 caused to be procured, in a document that con-
18 sists solely of the disclosure, that a consumer
19 report may be obtained for employment pur-
20 poses; and

21 “(B) the consumer has authorized in writ-
22 ing the procurement of the report by that per-
23 son.

24 “(3) CONDITIONS ON USE FOR ADVERSE AC-
25 TIONS.—In using a consumer report for employment

1 purposes, before taking any adverse action based in
 2 whole or in part on the report, the person intending
 3 to take such adverse action shall provide to the
 4 consumer to whom the report relates—

5 “(A) a copy of the report; and

6 “(B) a description in writing of the rights
 7 of the consumer under this title, as prescribed
 8 by the Federal Trade Commission under section
 9 609(c)(3).”.

10 **SEC. 404. USE OF CONSUMER REPORTS FOR**
 11 **PRESCREENING AND DIRECT MARKETING;**
 12 **PROHIBITION ON UNAUTHORIZED OR**
 13 **UNCERTIFIED USE OF INFORMATION.**

14 (a) IN GENERAL.—Section 604 of the Fair Credit
 15 Reporting Act (15 U.S.C. 1681b) (as amended by section
 16 403 of this division) is amended—

17 (1) in subsection (a), by striking “A consumer
 18 reporting agency” and inserting “Subject to sub-
 19 sections (c) and (d), any consumer reporting agen-
 20 cy”; and

21 (2) by adding at the end the following new sub-
 22 sections:

23 “(c) FURNISHING REPORTS IN CONNECTION WITH
 24 CREDIT OR INSURANCE TRANSACTIONS THAT ARE NOT
 25 INITIATED BY THE CONSUMER.—

1 “(1) IN GENERAL.—A consumer reporting
2 agency may furnish a consumer report relating to
3 any consumer pursuant to subparagraph (A) or (C)
4 of subsection (a)(3) in connection with any credit or
5 insurance transaction that is not initiated by the
6 consumer only if—

7 “(A) the consumer authorizes the agency
8 to provide such report to such person; or

9 “(B)(i) the transaction consists of a firm
10 offer of credit or insurance;

11 “(ii) the consumer reporting agency has
12 complied with subsection (e); and

13 “(iii) there is not in effect an election by
14 the consumer, made in accordance with sub-
15 section (e), to have the consumer’s name and
16 address excluded from lists of names provided
17 by the agency pursuant to this paragraph.

18 “(2) LIMITS ON INFORMATION RECEIVED
19 UNDER PARAGRAPH (1)(B).—A person may receive
20 pursuant to paragraph (1)(B) only—

21 “(A) the name and address of a consumer;

22 “(B) an identifier that is not unique to the
23 consumer and that is used by the person solely
24 for the purpose of verifying the identity of the
25 consumer; and

1 “(C) other information pertaining to a
2 consumer that does not identify the relationship
3 or experience of the consumer with respect to a
4 particular creditor or other entity.

5 “(3) INFORMATION REGARDING INQUIRIES.—
6 Except as provided in section 609(a)(5), a consumer
7 reporting agency shall not furnish to any person a
8 record of inquiries in connection with a credit or in-
9 surance transaction that is not initiated by a
10 consumer.

11 “(d) FURNISHING INFORMATION FROM CONSUMER
12 FILES IN CONNECTION WITH DIRECT MARKETING
13 TRANSACTIONS THAT ARE NOT INITIATED BY THE
14 CONSUMER.—

15 “(1) IN GENERAL.—A consumer reporting
16 agency may furnish information from a file relating
17 to a consumer pursuant to subsection (a)(3)(F) in
18 connection with a direct marketing transaction that
19 is not initiated by the consumer only if—

20 “(A) the consumer authorizes the agency
21 to provide such information to such person; or

22 “(B)(i) the consumer reporting agency has
23 complied with subsection (e); and

24 “(ii) there is not in effect an election by
25 the consumer, made in accordance with sub-

1 section (e), to have the name and address of the
2 consumer excluded from lists of names provided
3 by the agency pursuant to this paragraph.

4 “(2) LIMITS ON FURNISHING INFORMATION
5 UNDER PARAGRAPH (1)(B).—A consumer reporting
6 agency may furnish, pursuant to paragraph (1)(B),
7 only the name and address of a consumer and other
8 information that would not disclose the credit pay-
9 ment history, credit limit, credit balance, or any neg-
10 ative information pertaining to the consumer.

11 “(3) INFORMATION REGARDING INQUIRIES.—
12 Except as provided in section 609(a)(5), a consumer
13 reporting agency shall not furnish to any person a
14 record of inquiries made in connection with a direct
15 marketing transaction that is not initiated by a
16 consumer.

17 “(e) ELECTION OF CONSUMER TO BE EXCLUDED
18 FROM LISTS.—

19 “(1) IN GENERAL.—A consumer may elect to
20 have the consumer’s name and address excluded
21 from any list provided by a consumer reporting
22 agency under subsection (c)(1)(B) in connection
23 with a credit or insurance transaction that is not ini-
24 tiated by the consumer or under subsection
25 (d)(1)(B) in connection with a direct marketing

1 transaction that is not initiated by the consumer, by
2 notifying the agency in accordance with paragraph
3 (2) that the consumer does not consent to any use
4 of a consumer report relating to the consumer in
5 connection with any credit or insurance transaction
6 that is not initiated by the consumer or any direct
7 marketing transaction that is not initiated by the
8 consumer.

9 “(2) MANNER OF NOTIFICATION.—A consumer
10 shall notify a consumer reporting agency under
11 paragraph (1)—

12 “(A) through the notification system main-
13 tained by the agency under paragraph (5); or

14 “(B) by submitting to the agency a signed
15 notice of election form issued by the agency for
16 purposes of this subparagraph.

17 “(3) RESPONSE OF AGENCY AFTER NOTIFICA-
18 TION THROUGH SYSTEM.—Upon receipt of notifica-
19 tion of the election of a consumer under paragraph
20 (1) through the notification system maintained by
21 the agency under paragraph (5), a consumer report-
22 ing agency shall—

23 “(A) inform the consumer that the election
24 is effective only for the 2-year period following
25 the election if the consumer does not submit to

1 the agency a signed notice of election form is-
2 sued by the agency for purposes of paragraph
3 (2)(B); and

4 “(B) provide to the consumer a notice of
5 election form, if requested by the consumer, not
6 later than 5 business days after receipt of the
7 notification of the election through the system
8 established under paragraph (5), in the case of
9 a request made at the time the consumer pro-
10 vides notification through the system.

11 “(4) EFFECTIVENESS OF ELECTION.—An elec-
12 tion of a consumer under paragraph (1)—

13 “(A) shall be effective with respect to a
14 consumer reporting agency beginning 5 busi-
15 ness days after the date on which the consumer
16 notifies the agency in accordance with para-
17 graph (2);

18 “(B) shall be effective with respect to a
19 consumer reporting agency—

20 “(i) subject to subparagraph (C), dur-
21 ing the 2-year period beginning 5 business
22 days after the date on which the consumer
23 notifies the agency of the election, in the
24 case of an election for which a consumer

1 notifies the agency only in accordance with
2 paragraph (2)(A); or

3 “(ii) until the consumer notifies the
4 agency under subparagraph (C), in the
5 case of an election for which a consumer
6 notifies the agency in accordance with
7 paragraph (2)(B);

8 “(C) shall not be effective after the date on
9 which the consumer notifies the agency,
10 through the notification system established by
11 the agency under paragraph (5), that the elec-
12 tion is no longer effective; and

13 “(D) shall be effective with respect to each
14 affiliate of the agency.

15 “(5) NOTIFICATION SYSTEM.—

16 “(A) IN GENERAL.—Each consumer re-
17 porting agency that, under subsection (c)(1)(B),
18 furnishes a consumer report in connection with
19 a credit or insurance transaction that is not ini-
20 tiated by a consumer or, under subsection
21 (d)(1)(B), furnishes a consumer report in con-
22 nection with a direct marketing transaction that
23 is not initiated by a consumer, shall—

24 “(i) establish and maintain a notifica-
25 tion system, including a toll-free telephone

1 number, which permits any consumer
2 whose consumer report is maintained by
3 the agency to notify the agency, with ap-
4 propriate identification, of the consumer's
5 election to have the consumer's name and
6 address excluded from any such list of
7 names and addresses provided by the agen-
8 cy for such a transaction; and

9 “(ii) publish by not later than 365
10 days after the date of enactment of the
11 Consumer Credit Reporting Reform Act of
12 1996, and not less than annually there-
13 after, in a publication of general circula-
14 tion in the area served by the agency—

15 “(I) a notification that informa-
16 tion in consumer files maintained by
17 the agency may be used in connection
18 with such transactions; and

19 “(II) the address and toll-free
20 telephone number for consumers to
21 use to notify the agency of the con-
22 sumer's election under clause (i).

23 “(B) ESTABLISHMENT AND MAINTENANCE
24 AS COMPLIANCE.—Establishment and mainte-
25 nance of a notification system (including a toll-

1 free telephone number) and publication by a
2 consumer reporting agency on the agency's own
3 behalf and on behalf of any of its affiliates in
4 accordance with this paragraph is deemed to be
5 compliance with this paragraph by each of
6 those affiliates.

7 “(6) NOTIFICATION SYSTEM BY AGENCIES
8 THAT OPERATE NATIONWIDE.—Each consumer re-
9 porting agency that compiles and maintains files on
10 consumers on a nationwide basis shall establish and
11 maintain a notification system for purposes of para-
12 graph (5) jointly with other such consumer reporting
13 agencies.”.

14 (b) USE OF INFORMATION OBTAINED FROM RE-
15 PORTS.—Section 604 of the Fair Credit Reporting Act (15
16 U.S.C. 1681b) (as amended by subsection (a) of this sec-
17 tion) is amended by adding at the end the following new
18 subsection:

19 “(f) CERTAIN USE OR OBTAINING OF INFORMATION
20 PROHIBITED.—A person shall not use or obtain a
21 consumer report for any purpose unless—

22 “(1) the consumer report is obtained for a pur-
23 pose for which the consumer report is authorized to
24 be furnished under this section; and

1 “(2) the purpose is certified in accordance with
2 section 607 by a prospective user of the report
3 through a general or specific certification.”.

4 (c) **FTC GUIDELINES REGARDING PRESCREENING**
5 **FOR INSURANCE TRANSACTIONS.**—The Federal Trade
6 Commission may issue such guidelines as it deems nec-
7 essary with respect to the use of consumer reports in con-
8 nection with insurance transactions that are not initiated
9 by the consumer pursuant to section 604(c) of the Fair
10 Credit Reporting Act, as added by subsection (a) of this
11 section.

12 **SEC. 405. CONSUMER CONSENT REQUIRED TO FURNISH**
13 **CONSUMER REPORT CONTAINING MEDICAL**
14 **INFORMATION.**

15 Section 604 of the Fair Credit Reporting Act (15
16 U.S.C. 1681b) is amended by adding at the end the follow-
17 ing new subsection:

18 “(g) **FURNISHING REPORTS CONTAINING MEDICAL**
19 **INFORMATION.**—A consumer reporting agency shall not
20 furnish for employment purposes, or in connection with
21 a credit or insurance transaction or a direct marketing
22 transaction, a consumer report that contains medical in-
23 formation about a consumer, unless the consumer con-
24 sents to the furnishing of the report.”.

1 **SEC. 406. OBSOLETE INFORMATION AND INFORMATION**
2 **CONTAINED IN CONSUMER REPORTS.**

3 (a) AMENDMENT TO LARGE-DOLLAR EXCEPTION.—
4 Section 605 of the Fair Credit Reporting Act (15 U.S.C.
5 1681c) is amended—

6 (1) by inserting “INFORMATION EXCLUDED
7 FROM CONSUMER REPORTS.—” after “(a)”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking
10 “\$50,000” and inserting “\$150,000”;

11 (B) in paragraph (2), by striking
12 “\$50,000” and inserting “\$150,000”; and

13 (C) in paragraph (3), by striking
14 “\$20,000” and inserting “\$75,000”.

15 (b) CLARIFICATION OF REPORTING PERIOD.—Sec-
16 tion 605 of the Fair Credit Reporting Act (15 U.S.C.
17 1681c) (as amended by subsection (a) of this section) is
18 amended by adding at the end the following new sub-
19 section:

20 “(c) RUNNING OF REPORTING PERIOD.—

21 “(1) IN GENERAL.—The 7-year period referred
22 to in paragraphs (4) and (6) of subsection (a) shall
23 begin, with respect to any delinquent account that is
24 placed for collection (internally or by referral to a
25 third party, whichever is earlier), charged to profit
26 and loss, or subjected to any similar action, upon the

1 expiration of the 180-day period beginning on the
2 date of the commencement of the delinquency which
3 immediately preceded the collection activity, charge
4 to profit and loss, or similar action.

5 “(2) EFFECTIVE DATE.—Paragraph (1) shall
6 apply only to items of information added to the file
7 of a consumer on or after the date that is 455 days
8 after the date of enactment of the Consumer Credit
9 Reporting Reform Act of 1996.”.

10 (c) ADDITIONAL INFORMATION ON BANKRUPTCY
11 FILINGS REQUIRED.—Section 605 of the Fair Credit Re-
12 porting Act (15 U.S.C. 1681c) is amended by adding at
13 the end the following new subsection:

14 “(d) INFORMATION REQUIRED TO BE DISCLOSED.—
15 Any consumer reporting agency that furnishes a consumer
16 report that contains information regarding any case in-
17 volving the consumer that arises under title 11, United
18 States Code, shall include in the report an identification
19 of the chapter of such title 11 under which such case
20 arises if provided by the source of the information. If any
21 case arising or filed under title 11, United States Code,
22 is withdrawn by the consumer prior to a final judgment,
23 the consumer reporting agency shall include in the report
24 that such case or filing was withdrawn upon receipt of
25 documentation certifying such withdrawal.”.

1 (d) INDICATION OF CLOSURE OF ACCOUNT; INDICA-
2 TION OF DISPUTE BY CONSUMER.—Section 605 of the
3 Fair Credit Reporting Act (15 U.S.C. 1681e) is amended
4 by adding at the end the following new subsections:

5 “(e) INDICATION OF CLOSURE OF ACCOUNT BY
6 CONSUMER.—If a consumer reporting agency is notified
7 pursuant to section 623(a)(4) that a credit account of a
8 consumer was voluntarily closed by the consumer, the
9 agency shall indicate that fact in any consumer report that
10 includes information related to the account.

11 “(f) INDICATION OF DISPUTE BY CONSUMER.—If a
12 consumer reporting agency is notified pursuant to section
13 623(a)(3) that information regarding a consumer who was
14 furnished to the agency is disputed by the consumer, the
15 agency shall indicate that fact in each consumer report
16 that includes the disputed information.”.

17 (e) CONFORMING AMENDMENTS.—

18 (1) Section 605 of the Fair Credit Reporting
19 Act (15 U.S.C. 1681e) is amended in the section
20 heading, by striking “**OBSOLETE INFORMATION**”
21 and inserting “**REQUIREMENTS RELATING TO IN-**
22 **FORMATION CONTAINED IN CONSUMER RE-**
23 **PORTS**”.

24 (2) The table of sections for the Fair Credit
25 Reporting Act (15 U.S.C. 1681a et seq.) is amended

1 by striking the item relating to section 605 and in-
2 serring the following:

“605. Requirements relating to information contained in consumer reports.”.

3 **SEC. 407. COMPLIANCE PROCEDURES.**

4 (a) DISCLOSURE OF CONSUMER REPORTS BY
5 USERS.—Section 607 of the Fair Credit Reporting Act
6 (15 U.S.C. 1681e) is amended by adding at the end the
7 following new subsection:

8 “(c) DISCLOSURE OF CONSUMER REPORTS BY
9 USERS ALLOWED.—A consumer reporting agency may not
10 prohibit a user of a consumer report furnished by the
11 agency on a consumer from disclosing the contents of the
12 report to the consumer, if adverse action against the
13 consumer has been taken by the user based in whole or
14 in part on the report.”.

15 (b) NOTICE TO USERS AND PROVIDERS OF INFORMA-
16 TION TO ENSURE COMPLIANCE.—Section 607 of the Fair
17 Credit Reporting Act (15 U.S.C. 1681e) is amended by
18 adding after subsection (c) (as added by subsection (a)
19 of this section) the following new subsection:

20 “(d) NOTICE TO USERS AND FURNISHERS OF INFOR-
21 MATION.—

22 “(1) NOTICE REQUIREMENT.—A consumer re-
23 porting agency shall provide to any person—

1 “(A) who regularly and in the ordinary
2 course of business furnishes information to the
3 agency with respect to any consumer; or

4 “(B) to whom a consumer report is pro-
5 vided by the agency; a notice of such person’s
6 responsibilities under this title.

7 “(2) CONTENT OF NOTICE.—The Federal
8 Trade Commission shall prescribe the content of no-
9 tices under paragraph (1), and a consumer reporting
10 agency shall be in compliance with this subsection if
11 it provides a notice under paragraph (1) that is sub-
12 stantially similar to the Federal Trade Commission
13 prescription under this paragraph.”.

14 (c) RECORD OF IDENTITY OF USERS AND PURPOSES
15 CERTIFIED BY USERS OF REPORTS.—Section 607 of the
16 Fair Credit Reporting Act (15 U.S.C. 1681e) is amended
17 by adding after subsection (d) (as added by subsection (b)
18 of this section) the following new subsection:

19 “(e) PROCUREMENT OF CONSUMER REPORT FOR RE-
20 SALE.—

21 “(1) DISCLOSURE.—A person may not procure
22 a consumer report for purposes of reselling the re-
23 port (or any information in the report) unless the
24 person discloses to the consumer reporting agency
25 that originally furnishes the report—

1 “(A) the identity of the end-user of the re-
2 port (or information); and

3 “(B) each permissible purpose under sec-
4 tion 604 for which the report is furnished to
5 the end-user of the report (or information).

6 “(2) RESPONSIBILITIES OF PROCURERS FOR
7 RESALE.—A person who procures a consumer report
8 for purposes of reselling the report (or any informa-
9 tion in the report) shall—

10 “(A) establish and comply with reasonable
11 procedures designed to ensure that the report
12 (or information) is resold by the person only for
13 a purpose for which the report may be fur-
14 nished under section 604, including by requir-
15 ing that each person to which the report (or in-
16 formation) is resold and that resells or provides
17 the report (or information) to any other per-
18 son—

19 “(i) identifies each end user of the re-
20 sold report (or information);

21 “(ii) certifies each purpose for which
22 the report (or information) will be used;
23 and

1 “(iii) certifies that the report (or in-
2 formation) will be used for no other pur-
3 pose; and

4 “(B) before reselling the report, make rea-
5 sonable efforts to verify the identifications and
6 certifications made under subparagraph (A).”.

7 **SEC. 408. CONSUMER DISCLOSURES.**

8 (a) ALL INFORMATION IN CONSUMER’S FILE RE-
9 QUIRED TO BE DISCLOSED.—Section 609(a)(1) of the
10 Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is
11 amended to read as follows:

12 “(1) All information in the consumer’s file at
13 the time of the request, except that nothing in this
14 paragraph shall be construed to require a consumer
15 reporting agency to disclose to a consumer any in-
16 formation concerning credit scores or any other risk
17 scores or predictors relating to the consumer.”.

18 (b) MORE INFORMATION CONCERNING RECIPIENTS
19 OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair
20 Credit Reporting Act (15 U.S.C. 1681g(a)) is amended
21 to read as follows:

22 “(3)(A) Identification of each person (including
23 each end-user identified under section 607(e)(1))
24 that procured a consumer report—

1 “(i) for employment purposes, during the
2 2-year period preceding the date on which the
3 request is made; or

4 “(ii) for any other purpose, during the 1-
5 year period preceding the date on which the re-
6 quest is made.

7 “(B) An identification of a person under sub-
8 paragraph (A) shall include—

9 “(i) the name of the person or, if applica-
10 ble, the trade name (written in full) under
11 which such person conducts business; and

12 “(ii) upon request of the consumer, the ad-
13 dress and telephone number of the person.”.

14 (c) INFORMATION REGARDING INQUIRIES.—Section
15 609(a) of the Fair Credit Reporting Act (15 U.S.C.
16 1681g(a)) is amended by adding at the end the following
17 new paragraph:

18 “(5) A record of all inquiries received by the
19 agency during the 1-year period preceding the re-
20 quest that identified the consumer in connection
21 with a credit or insurance transaction that was not
22 initiated by the consumer.”.

23 (d) SUMMARY OF RIGHTS REQUIRED TO BE IN-
24 CLUDED WITH DISCLOSURE.—

1 (1) IN GENERAL.—Section 609 of the Fair
2 Credit Reporting Act (15 U.S.C. 1681g) is amended
3 by adding at the end the following new subsection:

4 “(c) SUMMARY OF RIGHTS REQUIRED TO BE IN-
5 CLUDED WITH DISCLOSURE.—

6 “(1) SUMMARY OF RIGHTS.—A consumer re-
7 porting agency shall provide to a consumer, with
8 each written disclosure by the agency to the
9 consumer under this section—

10 “(A) a written summary of all of the rights
11 that the consumer has under this title; and

12 “(B) in the case of a consumer reporting
13 agency that compiles and maintains files on
14 consumers on a nationwide basis, a toll-free
15 telephone number established by the agency, at
16 which personnel are accessible to consumers
17 during normal business hours.

18 “(2) SPECIFIC ITEMS REQUIRED TO BE IN-
19 CLUDED.—The summary of rights required under
20 paragraph (1) shall include—

21 “(A) a brief description of this title and all
22 rights of consumers under this title;

23 “(B) an explanation of how the consumer
24 may exercise the rights of the consumer under
25 this title;

1 “(C) a list of all Federal agencies respon-
2 sible for enforcing any provision of this title
3 and the address and any appropriate phone
4 number of each such agency, in a form that will
5 assist the consumer in selecting the appropriate
6 agency;

7 “(D) a statement that the consumer may
8 have additional rights under State law and that
9 the consumer may wish to contact a State or
10 local consumer protection agency or a State at-
11 torney general to learn of those rights; and

12 “(E) a statement that a consumer report-
13 ing agency is not required to remove accurate
14 derogatory information from a consumer’s file,
15 unless the information is outdated under sec-
16 tion 605 or cannot be verified.

17 “(3) FORM OF SUMMARY OF RIGHTS.—For pur-
18 poses of this subsection and any disclosure by a
19 consumer reporting agency required under this title
20 with respect to consumers’ rights, the Federal Trade
21 Commission (after consultation with each Federal
22 agency referred to in section 621(b)) shall prescribe
23 the form and content of any such disclosure of the
24 rights of consumers required under this title. A
25 consumer reporting agency shall be in compliance

1 with this subsection if it provides disclosures under
2 paragraph (1) that are substantially similar to the
3 Federal Trade Commission prescription under this
4 paragraph.

5 “(4) EFFECTIVENESS.—No disclosures shall be
6 required under this subsection until the date on
7 which the Federal Trade Commission prescribes the
8 form and content of such disclosures under para-
9 graph (3).”.

10 (2) TECHNICAL AMENDMENT.—Section
11 606(a)(1)(B) of the Fair Credit Reporting Act (15
12 U.S.C. 1681d(a)(1)(B)) is amended by inserting
13 “and the written summary of the rights of the
14 consumer prepared pursuant to section 609(c)” be-
15 fore the semicolon.

16 (e) FORM OF DISCLOSURES.—

17 (1) IN GENERAL.—Subsections (a) and (b) of
18 section 610 of the Fair Credit Reporting Act (15
19 U.S.C. 1681h) are amended to read as follows:

20 “(a) IN GENERAL.—

21 “(1) PROPER IDENTIFICATION.—A consumer
22 reporting agency shall require, as a condition of
23 making the disclosures required under section 609,
24 that the consumer furnish proper identification.

1 “(2) DISCLOSURE IN WRITING.—Except as pro-
2 vided in subsection (b), the disclosures required to
3 be made under section 609 shall be provided under
4 that section in writing.

5 “(b) OTHER FORMS OF DISCLOSURE.—

6 “(1) IN GENERAL.—If authorized by a
7 consumer, a consumer reporting agency may make
8 the disclosures required under 609—

9 “(A) other than in writing; and

10 “(B) in such form as may be—

11 “(i) specified by the consumer in ac-
12 cordance with paragraph (2); and

13 “(ii) available from the agency.

14 “(2) FORM.—A consumer may specify pursuant
15 to paragraph (1) that disclosures under section 609
16 shall be made—

17 “(A) in person, upon the appearance of the
18 consumer at the place of business of the
19 consumer reporting agency where disclosures
20 are regularly provided, during normal business
21 hours, and on reasonable notice;

22 “(B) by telephone, if the consumer has
23 made a written request for disclosure by tele-
24 phone;

1 “(C) by electronic means, if available from
2 the agency; or

3 “(D) by any other reasonable means that
4 is available from the agency.”.

5 (2) SIMPLIFIED DISCLOSURE.—Not later than
6 90 days after the date of enactment of this Act, each
7 consumer reporting agency shall develop a form on
8 which such consumer reporting agency shall make
9 the disclosures required under section 609(a) of the
10 Fair Credit Reporting Act, for the purpose of maxi-
11 mizing the comprehensibility and standardization of
12 such disclosures.

13 (3) GOALS.—The Federal Trade Commission
14 shall take appropriate action to assure that the goals
15 of comprehensibility and standardization are
16 achieved in accordance with paragraph (2).

17 (4) DEFAMATION.—Section 610(e) of the Fair
18 Credit Reporting Act (15 U.S.C. 1681h(e)) is
19 amended by inserting “or based on information dis-
20 closed by a user of a consumer report to or for a
21 consumer against whom the user has taken adverse
22 action, based in whole or in part on the report” be-
23 fore “except”.

1 (5) CONFORMING AMENDMENTS.—The Fair
2 Credit Reporting Act (15 U.S.C. 1681 et seq.) is
3 amended—

4 (A) in section 609(a), in the matter pre-
5 ceding paragraph (1), by striking “and proper
6 identification of any consumer” and inserting “,
7 and subject to section 610(a)(1)”;

8 (B) in section 610, in the section heading,
9 by inserting “**AND FORM**” after “**CONDI-**
10 **TIONS**”; and

11 (C) in the table of sections at the begin-
12 ning of that Act, in the item relating to section
13 610, by inserting “and form” after “condi-
14 tions”.

15 **SEC. 409. PROCEDURES IN CASE OF THE DISPUTED ACCU-**
16 **RACY OF ANY INFORMATION IN A CONSUM-**
17 **ER’S FILE.**

18 (a) IN GENERAL.—Section 611(a) of the Fair Credit
19 Reporting Act (15 U.S.C. 1681i(a)) is amended to read
20 as follows:

21 “(a) REINVESTIGATIONS OF DISPUTED INFORMA-
22 TION.—

23 “(1) REINVESTIGATION REQUIRED.—

24 “(A) IN GENERAL.—If the completeness or
25 accuracy of any item of information contained

1 in a consumer's file at a consumer reporting
2 agency is disputed by the consumer and the
3 consumer notifies the agency directly of such
4 dispute, the agency shall reinvestigate free of
5 charge and record the current status of the dis-
6 puted information, or delete the item from the
7 file in accordance with paragraph (5), before
8 the end of the 30-day period beginning on the
9 date on which the agency receives the notice of
10 the dispute from the consumer.

11 “(B) EXTENSION OF PERIOD TO REINVES-
12 TIGATE.—Except as provided in subparagraph
13 (C), the 30-day period described in subpara-
14 graph (A) may be extended for not more than
15 15 additional days if the consumer reporting
16 agency receives information from the consumer
17 during that 30-day period that is relevant to
18 the reinvestigation.

19 “(C) LIMITATIONS ON EXTENSION OF PE-
20 RIOD TO REINVESTIGATE.—Subparagraph (B)
21 shall not apply to any reinvestigation in which,
22 during the 30-day period described in subpara-
23 graph (A), the information that is the subject
24 of the reinvestigation is found to be inaccurate
25 or incomplete or the consumer reporting agency

1 determines that the information cannot be veri-
2 fied.

3 “(2) PROMPT NOTICE OF DISPUTE TO FUR-
4 NISHER OF INFORMATION.—

5 “(A) IN GENERAL.—Prior to the expiration
6 of the 5-business-day period beginning on the
7 date on which a consumer reporting agency re-
8 ceives notice of a dispute from any consumer in
9 accordance with paragraph (1), the agency shall
10 provide notification of the dispute to any person
11 who provided any item of information in dis-
12 pute, at the address and in the manner estab-
13 lished with the person. The notice shall include
14 all relevant information regarding the dispute
15 that the agency has received from the
16 consumer.

17 “(B) PROVISION OF OTHER INFORMATION
18 FROM CONSUMER.—The consumer reporting
19 agency shall promptly provide to the person
20 who provided the information in dispute all rel-
21 evant information regarding the dispute that is
22 received by the agency from the consumer after
23 the period referred to in subparagraph (A) and
24 before the end of the period referred to in para-
25 graph (1)(A).

1 “(3) DETERMINATION THAT DISPUTE IS FRIVO-
2 LOUS OR IRRELEVANT.—

3 “(A) IN GENERAL.—Notwithstanding para-
4 graph (1), a consumer reporting agency may
5 terminate a reinvestigation of information dis-
6 puted by a consumer under that paragraph if
7 the agency reasonably determines that the dis-
8 pute by the consumer is frivolous or irrelevant,
9 including by reason of a failure by a consumer
10 to provide sufficient information to investigate
11 the disputed information.

12 “(B) NOTICE OF DETERMINATION.—Upon
13 making any determination in accordance with
14 subparagraph (A) that a dispute is frivolous or
15 irrelevant, a consumer reporting agency shall
16 notify the consumer of such determination not
17 later than 5 business days after making such
18 determination, by mail or, if authorized by the
19 consumer for that purpose, by any other means
20 available to the agency.

21 “(C) CONTENTS OF NOTICE.—A notice
22 under subparagraph (B) shall include—

23 “(i) the reasons for the determination
24 under subparagraph (A); and

1 “(ii) identification of any information
2 required to investigate the disputed infor-
3 mation, which may consist of a standard-
4 ized form describing the general nature of
5 such information.

6 “(4) CONSIDERATION OF CONSUMER INFORMA-
7 TION.—In conducting any reinvestigation under
8 paragraph (1) with respect to disputed information
9 in the file of any consumer, the consumer reporting
10 agency shall review and consider all relevant infor-
11 mation submitted by the consumer in the period de-
12 scribed in paragraph (1)(A) with respect to such dis-
13 puted information.

14 “(5) TREATMENT OF INACCURATE OR UNVERI-
15 FIABLE INFORMATION.—

16 “(A) IN GENERAL.—If, after any reinves-
17 tigation under paragraph (1) of any informa-
18 tion disputed by a consumer, an item of the in-
19 formation is found to be inaccurate or incom-
20 plete or cannot be verified, the consumer re-
21 porting agency shall promptly delete that item
22 of information from the consumer’s file or mod-
23 ify that item of information, as appropriate,
24 based on the results of the reinvestigation.

1 “(B) REQUIREMENTS RELATING TO RE-
2 INSERTION OF PREVIOUSLY DELETED MATE-
3 RIAL.—

4 “(i) CERTIFICATION OF ACCURACY OF
5 INFORMATION.—If any information is de-
6 leted from a consumer’s file pursuant to
7 subparagraph (A), the information may
8 not be reinserted in the file by the
9 consumer reporting agency unless the per-
10 son who furnishes the information certifies
11 that the information is complete and accu-
12 rate.

13 “(ii) NOTICE TO CONSUMER.—If any
14 information that has been deleted from a
15 consumer’s file pursuant to subparagraph
16 (A) is reinserted in the file, the consumer
17 reporting agency shall notify the consumer
18 of the reinsertion in writing not later than
19 5 business days after the reinsertion or, if
20 authorized by the consumer for that pur-
21 pose, by any other means available to the
22 agency.

23 “(iii) ADDITIONAL INFORMATION.—As
24 part of, or in addition to, the notice under
25 clause (ii), a consumer reporting agency

1 shall provide to a consumer in writing not
2 later than 5 business days after the date of
3 the reinsertion—

4 “(I) a statement that the dis-
5 puted information has been re-
6 inserted;

7 “(II) the business name and ad-
8 dress of any furnisher of information
9 contacted and the telephone number
10 of such furnisher, if reasonably avail-
11 able, or of any furnisher of informa-
12 tion that contacted the consumer re-
13 porting agency, in connection with the
14 reinsertion of such information; and

15 “(III) a notice that the consumer
16 has the right to add a statement to
17 the consumer’s file disputing the accu-
18 racy or completeness of the disputed
19 information.

20 “(C) PROCEDURES TO PREVENT RE-
21 APPEARANCE.—A consumer reporting agency
22 shall maintain reasonable procedures designed
23 to prevent the reappearance in a consumer’s
24 file, and in consumer reports on the consumer,
25 of information that is deleted pursuant to this

1 paragraph (other than information that is re-
2 inserted in accordance with subparagraph
3 (B)(i)).

4 “(D) AUTOMATED REINVESTIGATION SYS-
5 TEM.—Any consumer reporting agency that
6 compiles and maintains files on consumers on a
7 nationwide basis shall implement an automated
8 system through which furnishers of information
9 to that consumer reporting agency may report
10 the results of a reinvestigation that finds in-
11 complete or inaccurate information in a con-
12 sumer’s file to other such consumer reporting
13 agencies.

14 “(6) NOTICE OF RESULTS OF REINVESTIGA-
15 TION.—

16 “(A) IN GENERAL.—A consumer reporting
17 agency shall provide written notice to a
18 consumer of the results of a reinvestigation
19 under this subsection not later than 5 business
20 days after the completion of the reinvestigation,
21 by mail or, if authorized by the consumer for
22 that purpose, by other means available to the
23 agency.

24 “(B) CONTENTS.—As part of, or in addi-
25 tion to, the notice under subparagraph (A), a

1 consumer reporting agency shall provide to a
2 consumer in writing prior to the expiration of
3 the 5-day period referred to in subparagraph
4 (A)—

5 “(i) a statement that the reinvestiga-
6 tion is completed;

7 “(ii) a consumer report that is based
8 upon the consumer’s file as that file is re-
9 vised as a result of the reinvestigation;

10 “(iii) a notice that, if requested by the
11 consumer, a description of the procedure
12 used to determine the accuracy and com-
13 pleteness of the information shall be pro-
14 vided to the consumer by the agency, in-
15 cluding the business name and address of
16 any furnisher of information contacted in
17 connection with such information and the
18 telephone number of such furnisher, if rea-
19 sonably available;

20 “(iv) a notice that the consumer has
21 the right to add a statement to the con-
22 sumer’s file disputing the accuracy or com-
23 pleteness of the information; and

24 “(v) a notice that the consumer has
25 the right to request under subsection (d)

1 that the consumer reporting agency fur-
2 nish notifications under that subsection.

3 “(7) DESCRIPTION OF REINVESTIGATION PRO-
4 CEDURE.—A consumer reporting agency shall pro-
5 vide to a consumer a description referred to in para-
6 graph (6)(B)(iv) by not later than 15 days after re-
7 ceiving a request from the consumer for that de-
8 scription.

9 “(8) EXPEDITED DISPUTE RESOLUTION.—If a
10 dispute regarding an item of information in a con-
11 sumer’s file at a consumer reporting agency is re-
12 solved in accordance with paragraph (5)(A) by the
13 deletion of the disputed information by not later
14 than 3 business days after the date on which the
15 agency receives notice of the dispute from the
16 consumer in accordance with paragraph (1)(A), then
17 the agency shall not be required to comply with
18 paragraphs (2), (6), and (7) with respect to that dis-
19 pute if the agency—

20 “(A) provides prompt notice of the deletion
21 to the consumer by telephone;

22 “(B) includes in that notice, or in a writ-
23 ten notice that accompanies a confirmation and
24 consumer report provided in accordance with
25 subparagraph (C), a statement of the consum-

1 er's right to request under subsection (d) that
2 the agency furnish notifications under that sub-
3 section; and

4 “(C) provides written confirmation of the
5 deletion and a copy of a consumer report on the
6 consumer that is based on the consumer's file
7 after the deletion, not later than 5 business
8 days after making the deletion.”.

9 (b) CONFORMING AMENDMENT.—Section 611(d) of
10 the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is
11 amended by striking “The consumer reporting agency
12 shall clearly” and all that follows through the end of the
13 subsection.

14 **SEC. 410. CHARGES FOR CERTAIN DISCLOSURES.**

15 Section 612 of the Fair Credit Reporting Act (15
16 U.S.C. 1681j) is amended to read as follows:

17 **“SEC. 612. CHARGES FOR CERTAIN DISCLOSURES.**

18 “(a) REASONABLE CHARGES ALLOWED FOR CER-
19 TAIN DISCLOSURES.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 sections (b), (c), and (d), a consumer reporting
22 agency may impose a reasonable charge on a
23 consumer—

1 “(A) for making a disclosure to the
2 consumer pursuant to section 609, which
3 charge—

4 “(i) shall not exceed \$8; and

5 “(ii) shall be indicated to the
6 consumer prior to making the disclosure;
7 and

8 “(B) for furnishing, pursuant to section
9 611(d), following a reinvestigation under sec-
10 tion 611(a), a statement, codification, or sum-
11 mary to a person designated by the consumer
12 under that section after the 30-day period be-
13 ginning on the date of notification of the
14 consumer under paragraph (6) or (8) of section
15 611(a) with respect to the reinvestigation,
16 which charge—

17 “(i) shall not exceed the charge that
18 the agency would impose on each des-
19 ignated recipient for a consumer report;
20 and

21 “(ii) shall be indicated to the
22 consumer prior to furnishing such informa-
23 tion.

24 “(2) MODIFICATION OF AMOUNT.—The Federal
25 Trade Commission shall increase the amount re-

1 ferred to in paragraph (1)(A)(i) on January 1 of
2 each year, based proportionally on changes in the
3 Consumer Price Index, with fractional changes
4 rounded to the nearest fifty cents.

5 “(b) FREE DISCLOSURE AFTER ADVERSE NOTICE
6 TO CONSUMER.—Each consumer reporting agency that
7 maintains a file on a consumer shall make all disclosures
8 pursuant to section 609 without charge to the consumer
9 if, not later than 60 days after receipt by such consumer
10 of a notification pursuant to section 615, or of a notifica-
11 tion from a debt collection agency affiliated with that
12 consumer reporting agency stating that the consumer’s
13 credit rating may be or has been adversely affected, the
14 consumer makes a request under section 609.

15 “(c) FREE DISCLOSURE UNDER CERTAIN OTHER
16 CIRCUMSTANCES.—Upon the request of the consumer, a
17 consumer reporting agency shall make all disclosures pur-
18 suant to section 609 once during any 12-month period
19 without charge to that consumer if the consumer certifies
20 in writing that the consumer—

21 “(1) is unemployed and intends to apply for
22 employment in the 60-day period beginning on the
23 date on which the certification is made;

24 “(2) is a recipient of public welfare assistance;
25 or

1 “(3) has reason to believe that the file on the
2 consumer at the agency contains inaccurate informa-
3 tion due to fraud.

4 “(d) OTHER CHARGES PROHIBITED.—A consumer
5 reporting agency shall not impose any charge on a
6 consumer for providing any notification required by this
7 title or making any disclosure required by this title, except
8 as authorized by subsection (a).”.

9 **SEC. 411. DUTIES OF USERS OF CONSUMER REPORTS.**

10 (a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—
11 Section 615(a) of the Fair Credit Reporting Act (15
12 U.S.C. 1681m(a)) is amended to read as follows:

13 “(a) DUTIES OF USERS TAKING ADVERSE ACTIONS
14 ON THE BASIS OF INFORMATION CONTAINED IN
15 CONSUMER REPORTS.—If any person takes any adverse
16 action with respect to any consumer that is based in whole
17 or in part on any information contained in a consumer
18 report, the person shall—

19 “(1) provide oral, written, or electronic notice of
20 the adverse action to the consumer;

21 “(2) provide to the consumer orally, in writing,
22 or electronically—

23 “(A) the name, address, and telephone
24 number of the consumer reporting agency (in-
25 cluding a toll-free telephone number established

1 by the agency if the agency compiles and main-
2 tains files on consumers on a nationwide basis)
3 that furnished the report to the person; and

4 “(B) a statement that the consumer re-
5 porting agency did not make the decision to
6 take the adverse action and is unable to provide
7 the consumer the specific reasons why the ad-
8 verse action was taken; and

9 “(3) provide to the consumer an oral, written,
10 or electronic notice of the consumer’s right—

11 “(A) to obtain, under section 612, a free
12 copy of a consumer report on the consumer
13 from the consumer reporting agency referred to
14 in paragraph (2), which notice shall include an
15 indication of the 60-day period under that sec-
16 tion for obtaining such a copy; and

17 “(B) to dispute, under section 611, with a
18 consumer reporting agency the accuracy or
19 completeness of any information in a consumer
20 report furnished by the agency.”.

21 (b) DUTIES OF USERS MAKING CERTAIN CREDIT SO-
22 LICITATIONS.—Section 615 of the Fair Credit Reporting
23 Act (15 U.S.C. 1681m) is amended by adding at the end
24 the following new subsection:

1 “(d) DUTIES OF USERS MAKING WRITTEN CREDIT
2 OR INSURANCE SOLICITATIONS ON THE BASIS OF INFOR-
3 MATION CONTAINED IN CONSUMER FILES.—

4 “(1) IN GENERAL.—Any person who uses a
5 consumer report on any consumer in connection with
6 any credit or insurance transaction that is not initi-
7 ated by the consumer, that is provided to that per-
8 son under section 604(c)(1)(B), shall provide with
9 each written solicitation made to the consumer re-
10 garding the transaction a clear and conspicuous
11 statement that—

12 “(A) information contained in the consum-
13 er’s consumer report was used in connection
14 with the transaction;

15 “(B) the consumer received the offer of
16 credit or insurance because the consumer satis-
17 fied the criteria for credit worthiness or insur-
18 ability under which the consumer was selected
19 for the offer;

20 “(C) if applicable, the credit or insurance
21 may not be extended if, after the consumer re-
22 sponds to the offer, the consumer does not meet
23 the criteria used to select the consumer for the
24 offer or any applicable criteria bearing on credit

1 worthiness or insurability or does not furnish
2 any required collateral;

3 “(D) the consumer has a right to prohibit
4 information contained in the consumer’s file
5 with any consumer reporting agency from being
6 used in connection with any credit or insurance
7 transaction that is not initiated by the
8 consumer; and

9 “(E) the consumer may exercise the right
10 referred to in subparagraph (D) by notifying a
11 notification system established under section
12 604(e).

13 “(2) DISCLOSURE OF ADDRESS AND TELE-
14 PHONE NUMBER.—A statement under paragraph (1)
15 shall include the address and toll-free telephone
16 number of the appropriate notification system estab-
17 lished under section 604(e).

18 “(3) MAINTAINING CRITERIA ON FILE.—A per-
19 son who makes an offer of credit or insurance to a
20 consumer under a credit or insurance transaction
21 described in paragraph (1) shall maintain on file the
22 criteria used to select the consumer to receive the
23 offer, all criteria bearing on credit worthiness or in-
24 surability, as applicable, that are the basis for deter-
25 mining whether or not to extend credit or insurance

1 pursuant to the offer, and any requirement for the
2 furnishing of collateral as a condition of the exten-
3 sion of credit or insurance, until the expiration of
4 the 3-year period beginning on the date on which the
5 offer is made to the consumer.

6 “(4) AUTHORITY OF FEDERAL AGENCIES RE-
7 GARDING UNFAIR OR DECEPTIVE ACTS OR PRAC-
8 TICES NOT AFFECTED.—This section is not intended
9 to affect the authority of any Federal or State agen-
10 cy to enforce a prohibition against unfair or decep-
11 tive acts or practices, including the making of false
12 or misleading statements in connection with a credit
13 or insurance transaction that is not initiated by the
14 consumer.”.

15 (c) DUTIES OF USERS MAKING OTHER SOLICITA-
16 TIONS.—Section 615 of the Fair Credit Reporting Act (15
17 U.S.C. 1681m) is amended by adding at the end the fol-
18 lowing new subsection:

19 “(e) DUTIES OF USERS MAKING OTHER WRITTEN
20 SOLICITATIONS ON THE BASIS OF INFORMATION CON-
21 TAINED IN CONSUMER FILES.—

22 “(1) IN GENERAL.—A person who, in connec-
23 tion with any direct marketing transaction that is
24 not initiated by a consumer, uses a consumer report
25 on that consumer that is provided to that person

1 under section 604(a)(3)(F)(i)(II), shall provide with
2 the initial written solicitation made to the consumer
3 regarding the transaction a clear and conspicuous
4 statement that—

5 “(A) information contained in the consum-
6 er’s consumer report was used in connection
7 with the transaction;

8 “(B) the consumer has a right to prohibit
9 information contained in the consumer’s file
10 with any consumer reporting agency from being
11 used in connection with any direct marketing
12 transaction that is not initiated by the
13 consumer; and

14 “(C) the consumer may exercise the right
15 referred to in subparagraph (B) by notifying a
16 notification system established under section
17 604(e).

18 “(2) DISCLOSURE OF ADDRESS AND TELE-
19 PHONE NUMBER.—A statement under paragraph (1)
20 shall include the address and toll-free telephone
21 number of the appropriate notification system estab-
22 lished under section 604(e).

23 “(3) AUTHORITY OF FEDERAL AGENCIES RE-
24 GARDING UNFAIR OR DECEPTIVE ACTS OR PRAC-
25 TICES NOT AFFECTED.—This section is not intended

1 to affect the authority of any Federal or State agen-
 2 cy to enforce a prohibition against unfair or decep-
 3 tive acts or practices, including the making of false
 4 or misleading statements in connection with a direct
 5 marketing transaction that is not initiated by the
 6 consumer.”.

7 (d) CONFORMING AMENDMENT.—Section 615(c) of
 8 the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is
 9 amended by striking “subsections (a) and (b)” and insert-
 10 ing “this section”.

11 (e) DUTIES OF PERSON TAKING CERTAIN ACTIONS
 12 BASED ON INFORMATION PROVIDED BY AFFILIATE.—
 13 Section 615(b) of the Fair Credit Reporting Act (15
 14 U.S.C. 1681m(b)) is amended—

15 (1) by striking “(b) Whenever credit” and in-
 16 serting the following:

17 “(b) ADVERSE ACTION BASED ON INFORMATION OB-
 18 TAINED FROM THIRD PARTIES OTHER THAN CONSUMER
 19 REPORTING AGENCIES.—

20 “(1) IN GENERAL.—Whenever credit”;

21 (2) by adding at the end the following new
 22 paragraph:

23 “(2) DUTIES OF PERSON TAKING CERTAIN AC-
 24 TIONS BASED ON INFORMATION PROVIDED BY
 25 AFFILIATE.—

1 “(A) DUTIES, GENERALLY.—If a person
2 takes an action described in subparagraph (B)
3 with respect to a consumer, based in whole or
4 in part on information described in subpara-
5 graph (C), the person shall—

6 “(i) notify the consumer of the action,
7 including a statement that the consumer
8 may obtain the information in accordance
9 with clause (ii); and

10 “(ii) upon a written request from the
11 consumer received within 60 days after
12 transmittal of the notice required by clause
13 (i), disclose to the consumer the nature of
14 the information upon which the action is
15 based by not later than 30 days after re-
16 ceipt of the request.

17 “(B) ACTION DESCRIBED.—An action re-
18 ferred to in subparagraph (A) is an adverse ac-
19 tion described in section 603(k)(1)(A), taken in
20 connection with a transaction initiated by the
21 consumer, or any adverse action described in
22 clause (i) or (ii) of section 603(k)(1)(B).

23 “(C) INFORMATION DESCRIBED.—Informa-
24 tion referred to in subparagraph (A)—

1 “(i) except as provided in clause (ii),
2 is information that—

3 “(I) is furnished to the person
4 taking the action by a person related
5 by common ownership or affiliated by
6 common corporate control to the per-
7 son taking the action; and

8 “(II) bears on the credit worthi-
9 ness, credit standing, credit capacity,
10 character, general reputation, per-
11 sonal characteristics, or mode of living
12 of the consumer; and

13 “(ii) does not include—

14 “(I) information solely as to
15 transactions or experiences between
16 the consumer and the person furnish-
17 ing the information; or

18 “(II) information in a consumer
19 report.”.

20 **SEC. 412. CIVIL LIABILITY.**

21 (a) CIVIL LIABILITY FOR WILLFUL NONCOMPLI-
22 ANCE.—Section 616 of the Fair Credit Reporting Act (15
23 U.S.C. 1681n) is amended by striking “Any consumer re-
24 porting agency or user of information which” and insert-
25 ing “(a) IN GENERAL.—Any person who”.

1 (b) MINIMUM CIVIL LIABILITY FOR WILLFUL NON-
2 COMPLIANCE.—Section 616(a)(1) of the Fair Credit Re-
3 porting Act (15 U.S.C. 1681n(1)), as so designated by
4 subsection (a) of this section, is amended to read as fol-
5 lows:

6 “(1)(A) any actual damages sustained by the
7 consumer as a result of the failure or damages of
8 not less than \$100 and not more than \$1,000; or

9 “(B) in the case of liability of a natural person
10 for obtaining a consumer report under false pre-
11 tentenses or knowingly without a permissible purpose,
12 actual damages sustained by the consumer as a re-
13 sult of the failure or \$1,000, whichever is greater;”.

14 (c) CIVIL LIABILITY FOR KNOWING NONCOMPLI-
15 ANCE.—Section 616 of the Fair Credit Reporting Act (15
16 U.S.C. 1681n) is amended by adding at the end the follow-
17 ing new subsection:

18 “(b) CIVIL LIABILITY FOR KNOWING NONCOMPLI-
19 ANCE.—Any person who obtains a consumer report from
20 a consumer reporting agency under false pretenses or
21 knowingly without a permissible purpose shall be liable to
22 the consumer reporting agency for actual damages sus-
23 tained by the consumer reporting agency or \$1,000,
24 whichever is greater.”.

1 (d) CIVIL LIABILITY FOR NEGLIGENT NONCOMPLI-
2 ANCE.—Section 617 of the Fair Credit Reporting Act (15
3 U.S.C. 1681o) is amended by striking “Any consumer re-
4 porting agency or user of information which” and insert-
5 ing “(a) IN GENERAL.—Any person who”.

6 (e) ATTORNEY’S FEES.—

7 (1) WILLFUL NONCOMPLIANCE.—Section 616
8 of the Fair Credit Reporting Act (15 U.S.C. 1681n)
9 is amended by adding at the end the following new
10 subsection:

11 “(c) ATTORNEY’S FEES.—Upon a finding by the
12 court that an unsuccessful pleading, motion, or other
13 paper filed in connection with an action under this section
14 was filed in bad faith or for purposes of harassment, the
15 court shall award to the prevailing party attorney’s fees
16 reasonable in relation to the work expended in responding
17 to the pleading, motion, or other paper.”.

18 (2) NEGLIGENT NONCOMPLIANCE.—Section
19 617 of the Fair Credit Reporting Act (15 U.S.C.
20 1681o) is amended by adding at the end the follow-
21 ing new subsection:

22 “(b) ATTORNEY’S FEES.—On a finding by the court
23 that an unsuccessful pleading, motion, or other paper filed
24 in connection with an action under this section was filed
25 in bad faith or for purposes of harassment, the court shall

1 award to the prevailing party attorney’s fees reasonable
 2 in relation to the work expended in responding to the
 3 pleading, motion, or other paper.”.

4 **SEC. 413. RESPONSIBILITIES OF PERSONS WHO FURNISH**
 5 **INFORMATION TO CONSUMER REPORTING**
 6 **AGENCIES.**

7 (a) IN GENERAL.—The Fair Credit Reporting Act
 8 (15 U.S.C. 1681 et seq.) is amended—

9 (1) by redesignating section 623 as section 624;

10 and

11 (2) by inserting after section 622 the following:

12 **“SEC. 623. RESPONSIBILITIES OF FURNISHERS OF INFOR-**
 13 **MATION TO CONSUMER REPORTING AGEN-**
 14 **CIES.**

15 **“(a) DUTY OF FURNISHERS OF INFORMATION TO**
 16 **PROVIDE ACCURATE INFORMATION.—**

17 **“(1) PROHIBITION.—**

18 **“(A) REPORTING INFORMATION WITH AC-**
 19 **TUAL KNOWLEDGE OF ERRORS.—**A person shall
 20 not furnish any information relating to a
 21 consumer to any consumer reporting agency if
 22 the person knows or consciously avoids knowing
 23 that the information is inaccurate.

24 **“(B) REPORTING INFORMATION AFTER**
 25 **NOTICE AND CONFIRMATION OF ERRORS.—**A

1 person shall not furnish information relating to
2 a consumer to any consumer reporting agency
3 if—

4 “(i) the person has been notified by
5 the consumer, at the address specified by
6 the person for such notices, that specific
7 information is inaccurate; and

8 “(ii) the information is, in fact, inac-
9 curate.

10 “(C) NO ADDRESS REQUIREMENT.—A per-
11 son who clearly and conspicuously specifies to
12 the consumer an address for notices referred to
13 in subparagraph (B) shall not be subject to
14 subparagraph (A); however, nothing in subpara-
15 graph (B) shall require a person to specify such
16 an address.

17 “(2) DUTY TO CORRECT AND UPDATE INFOR-
18 MATION.—A person who—

19 “(A) regularly and in the ordinary course
20 of business furnishes information to one or
21 more consumer reporting agencies about the
22 person’s transactions or experiences with any
23 consumer; and

1 “(B) has furnished to a consumer report-
2 ing agency information that the person deter-
3 mines is not complete or accurate,
4 shall promptly notify the consumer reporting agency
5 of that determination and provide to the agency any
6 corrections to that information, or any additional in-
7 formation, that is necessary to make the information
8 provided by the person to the agency complete and
9 accurate, and shall not thereafter furnish to the
10 agency any of the information that remains not com-
11 plete or accurate.

12 “(3) DUTY TO PROVIDE NOTICE OF DISPUTE.—
13 If the completeness or accuracy of any information
14 furnished by any person to any consumer reporting
15 agency is disputed to such person by a consumer,
16 the person may not furnish the information to any
17 consumer reporting agency without notice that such
18 information is disputed by the consumer.

19 “(4) DUTY TO PROVIDE NOTICE OF CLOSED AC-
20 COUNTS.—A person who regularly and in the ordi-
21 nary course of business furnishes information to a
22 consumer reporting agency regarding a consumer
23 who has a credit account with that person shall no-
24 tify the agency of the voluntary closure of the ac-

1 count by the consumer, in information regularly fur-
2 nished for the period in which the account is closed.

3 “(5) DUTY TO PROVIDE NOTICE OF DELIN-
4 QUENCY OF ACCOUNTS.—A person who furnishes in-
5 formation to a consumer reporting agency regarding
6 a delinquent account being placed for collection,
7 charged to profit or loss, or subjected to any similar
8 action shall, not later than 90 days after furnishing
9 the information, notify the agency of the month and
10 year of the commencement of the delinquency that
11 immediately preceded the action.

12 “(b) DUTIES OF FURNISHERS OF INFORMATION
13 UPON NOTICE OF DISPUTE.—

14 “(1) IN GENERAL.—After receiving notice pur-
15 suant to section 611(a)(2) of a dispute with regard
16 to the completeness or accuracy of any information
17 provided by a person to a consumer reporting agen-
18 cy, the person shall—

19 “(A) conduct an investigation with respect
20 to the disputed information;

21 “(B) review all relevant information pro-
22 vided by the consumer reporting agency pursu-
23 ant to section 611(a)(2);

24 “(C) report the results of the investigation
25 to the consumer reporting agency; and

1 “(D) if the investigation finds that the in-
2 formation is incomplete or inaccurate, report
3 those results to all other consumer reporting
4 agencies to which the person furnished the in-
5 formation and that compile and maintain files
6 on consumers on a nationwide basis.

7 “(2) DEADLINE.—A person shall complete all
8 investigations, reviews, and reports required under
9 paragraph (1) regarding information provided by the
10 person to a consumer reporting agency, prior to the
11 expiration of the period under section 611(a)(1)
12 within which the consumer reporting agency is re-
13 quired to complete actions required by that section
14 regarding that information.

15 “(c) LIMITATION ON LIABILITY.—Sections 616 and
16 617 do not apply to any failure to comply with subsection
17 (a), except as provided in section 621(c)(1)(B).

18 “(d) LIMITATION ON ENFORCEMENT.—Subsection
19 (a) shall be enforced exclusively under section 621 by the
20 Federal agencies and officials and the State officials iden-
21 tified in that section.”.

22 (b) CONFORMING AMENDMENT.—The table of sec-
23 tions at the beginning of the Fair Credit Reporting Act
24 (15 U.S.C. 1681a et seq.) is amended by striking the item
25 relating to section 623 and inserting the following:

“623. Responsibilities of furnishers of information to consumer reporting agencies.

“624. Relation to State laws.”.

1 **SEC. 414. INVESTIGATIVE CONSUMER REPORTS.**

2 Section 606 of the Fair Credit Reporting Act (15
3 U.S.C. 1681d) is amended—

4 (1) in subsection (a)(1), by striking “or” at the
5 end and inserting “and”;

6 (2) by striking subsection (a)(2) and inserting
7 the following:

8 “(2) the person certifies or has certified to the
9 consumer reporting agency that—

10 “(A) the person has made the disclosures
11 to the consumer required by paragraph (1); and

12 “(B) the person will comply with sub-
13 section (b).”;

14 (3) in subsection (b), by striking “shall” the
15 second place such term appears; and

16 (4) by adding at the end the following new sub-
17 section:

18 “(d) PROHIBITIONS.—

19 “(1) CERTIFICATION.—A consumer reporting
20 agency shall not prepare or furnish an investigative
21 consumer report unless the agency has received a
22 certification under subsection (a)(2) from the person
23 who requested the report.

1 “(2) INQUIRIES.—A consumer reporting agency
2 shall not make an inquiry for the purpose of prepar-
3 ing an investigative consumer report on a consumer
4 for employment purposes if the making of the in-
5 quiry by an employer or prospective employer of the
6 consumer would violate any applicable Federal or
7 State equal employment opportunity law or regula-
8 tion.

9 “(3) CERTAIN PUBLIC RECORD INFORMA-
10 TION.—Except as otherwise provided in section 613,
11 a consumer reporting agency shall not furnish an in-
12 vestigative consumer report that includes informa-
13 tion that is a matter of public record and that re-
14 lates to an arrest, indictment, conviction, civil judi-
15 cial action, tax lien, or outstanding judgment, unless
16 the agency has verified the accuracy of the informa-
17 tion during the 30-day period ending on the date on
18 which the report is furnished.

19 “(4) CERTAIN ADVERSE INFORMATION.—A
20 consumer reporting agency shall not prepare or fur-
21 nish an investigative consumer report on a consumer
22 that contains information that is adverse to the in-
23 terest of the consumer and that is obtained through
24 a personal interview with a neighbor, friend, or asso-
25 ciate of the consumer or with another person with

1 whom the consumer is acquainted or who has knowl-
2 edge of such item of information, unless—

3 “(A) the agency has followed reasonable
4 procedures to obtain confirmation of the infor-
5 mation, from an additional source that has
6 independent and direct knowledge of the infor-
7 mation; or

8 “(B) the person interviewed is the best
9 possible source of the information.”.

10 **SEC. 415. INCREASED CRIMINAL PENALTIES FOR OBTAIN-**
11 **ING INFORMATION UNDER FALSE PRE-**
12 **TENSES.**

13 (a) OBTAINING INFORMATION UNDER FALSE PRE-
14 TENSES.—Section 619 of the Fair Credit Reporting Act
15 (15 U.S.C. 1681q) is amended by striking “fined not more
16 than \$5,000 or imprisoned not more than one year, or
17 both” and inserting “fined under title 18, United States
18 Code, imprisoned for not more than 2 years, or both”.

19 (b) UNAUTHORIZED DISCLOSURES BY OFFICERS OR
20 EMPLOYEES.—Section 620 of the Fair Credit Reporting
21 Act (15 U.S.C. 1681r) is amended by striking “fined not
22 more than \$5,000 or imprisoned not more than one year,
23 or both” and inserting “fined under title 18, United States
24 Code, imprisoned for not more than 2 years, or both”.

1 **SEC. 416. ADMINISTRATIVE ENFORCEMENT.**

2 (a) AVAILABLE ENFORCEMENT POWERS.—Section
3 621(a) of the Fair Credit Reporting Act (15 U.S.C.
4 1681s(a)) is amended—

5 (1) by inserting “(1)” after “(a)”;

6 (2) by adding at the end the following new
7 paragraph:

8 “(2)(A) In the event of a knowing violation, which
9 constitutes a pattern or practice of violations of this title,
10 the Commission may commence a civil action to recover
11 a civil penalty in a district court of the United States
12 against any person that violates this title. In such action,
13 such person shall be liable for a civil penalty of not more
14 than \$2,500 per violation.

15 “(B) In determining the amount of a civil penalty
16 under subparagraph (A), the court shall take into account
17 the degree of culpability, any history of prior such con-
18 duct, ability to pay, effect on ability to continue to do busi-
19 ness, and such other matters as justice may require.

20 “(3) Notwithstanding paragraph (2), a court may not
21 impose any civil penalty on a person for a violation of sec-
22 tion 623(a)(1) unless the person has been enjoined from
23 committing the violation, or ordered not to commit the vio-
24 lation, in an action or proceeding brought by or on behalf
25 of the Federal Trade Commission, and has violated the
26 injunction or order, and the court may not impose any

1 civil penalty for any violation occurring before the date
2 of the violation of the injunction or order.

3 “(4) Neither the Commission nor any other agency
4 referred to in subsection (b) may promulgate trade regula-
5 tion rules or other regulations with respect to this title.”.

6 (b) AGENCIES RESPONSIBLE FOR ENFORCEMENT.—
7 Section 621 of the Fair Credit Reporting Act (15 U.S.C.
8 1681s) is amended—

9 (1) in subsection (a), by inserting “ENFORCE-
10 MENT BY FEDERAL TRADE COMMISSION.—” before
11 “Compliance with the requirements”;

12 (2) in subsection (b), by striking the matter
13 preceding paragraph (1) and inserting the following:

14 “(b) ENFORCEMENT BY OTHER AGENCIES.—Compli-
15 ance with the requirements imposed under this title with
16 respect to consumer reporting agencies, persons who use
17 consumer reports from such agencies, persons who furnish
18 information to such agencies, and users of information
19 that are subject to subsection (d) or (e) of section 615
20 shall be enforced under—”; and

21 (3) in subsection (c), by adding at the end the
22 following: “Notwithstanding the preceding, no agen-
23 cy referred to in subsection (b) may conduct an ex-
24 amination of a bank, savings association, or credit
25 union regarding compliance with the provisions of

1 this title, except in response to a complaint (or if the
2 agency otherwise has knowledge) that the bank, sav-
3 ings association, or credit union has violated a provi-
4 sion of this title, in which case, the agency may con-
5 duct an examination as necessary to investigate the
6 complaint. If an agency determines during an inves-
7 tigation in response to a complaint that a violation
8 of this title has occurred, the agency may, during its
9 next 2 regularly scheduled examinations of the bank,
10 savings association, or credit union, examine for
11 compliance with this title.”.

12 **SEC. 417. STATE ENFORCEMENT OF FAIR CREDIT REPORT-**
13 **ING ACT.**

14 Section 621 of the Fair Credit Reporting Act (15
15 U.S.C. 1681s) is amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the follow-
19 ing new subsection:

20 “(c) STATE ACTION FOR VIOLATIONS.—

21 “(1) AUTHORITY OF STATES.—In addition to
22 such other remedies as are provided under State
23 law, if the chief law enforcement officer of a State,
24 or an official or agency designated by a State, has

1 reason to believe that any person has violated or is
2 violating this title, the State—

3 “(A) may bring an action to enjoin such
4 violation in any appropriate United States dis-
5 trict court or in any other court of competent
6 jurisdiction;

7 “(B) subject to paragraph (5), may bring
8 an action on behalf of the residents of the State
9 to recover—

10 “(i) damages for which the person is
11 liable to such residents under sections 616
12 and 617 as a result of the violation;

13 “(ii) in the case of a violation of sec-
14 tion 623(a), damages for which the person
15 would, but for section 623(c), be liable to
16 such residents as a result of the violation;
17 or

18 “(iii) damages of not more than
19 \$1,000 for each willful or negligent viola-
20 tion; and

21 “(C) in the case of any successful action
22 under subparagraph (A) or (B), shall be award-
23 ed the costs of the action and reasonable attor-
24 ney fees as determined by the court.

1 “(2) RIGHTS OF FEDERAL REGULATORS.—The
2 State shall serve prior written notice of any action
3 under paragraph (1) upon the Federal Trade Com-
4 mission or the appropriate Federal regulator deter-
5 mined under subsection (b) and provide the Commis-
6 sion or appropriate Federal regulator with a copy of
7 its complaint, except in any case in which such prior
8 notice is not feasible, in which case the State shall
9 serve such notice immediately upon instituting such
10 action. The Federal Trade Commission or appro-
11 priate Federal regulator shall have the right—

12 “(A) to intervene in the action;

13 “(B) upon so intervening, to be heard on
14 all matters arising therein;

15 “(C) to remove the action to the appro-
16 priate United States district court; and

17 “(D) to file petitions for appeal.

18 “(3) INVESTIGATORY POWERS.—For purposes
19 of bringing any action under this subsection, nothing
20 in this subsection shall prevent the chief law enforce-
21 ment officer, or an official or agency designated by
22 a State, from exercising the powers conferred on the
23 chief law enforcement officer or such official by the
24 laws of such State to conduct investigations or to
25 administer oaths or affirmations or to compel the at-

1 tendance of witnesses or the production of documen-
2 tary and other evidence.

3 “(4) LIMITATION ON STATE ACTION WHILE
4 FEDERAL ACTION PENDING.—If the Federal Trade
5 Commission or the appropriate Federal regulator
6 has instituted a civil action or an administrative ac-
7 tion under section 8 of the Federal Deposit Insur-
8 ance Act for a violation of this title, no State may,
9 during the pendency of such action, bring an action
10 under this section against any defendant named in
11 the complaint of the Commission or the appropriate
12 Federal regulator for any violation of this title that
13 is alleged in that complaint.

14 “(5) LIMITATIONS ON STATE ACTIONS FOR VIO-
15 LATION OF SECTION 623(a)(1).—

16 “(A) VIOLATION OF INJUNCTION RE-
17 QUIRED.—A State may not bring an action
18 against a person under paragraph (1)(B) for a
19 violation of section 623(a)(1), unless—

20 “(i) the person has been enjoined
21 from committing the violation, in an action
22 brought by the State under paragraph
23 (1)(A); and

24 “(ii) the person has violated the in-
25 junction.

1 “(B) LIMITATION ON DAMAGES RECOVER-
 2 ABLE.—In an action against a person under
 3 paragraph (1)(B) for a violation of section
 4 623(a)(1), a State may not recover any dam-
 5 ages incurred before the date of the violation of
 6 an injunction on which the action is based.”.

7 **SEC. 418. FEDERAL RESERVE BOARD AUTHORITY.**

8 Section 621 of the Fair Credit Reporting Act (15
 9 U.S.C. 1681s) is amended by adding at the end the follow-
 10 ing new subsection:

11 “(e) INTERPRETIVE AUTHORITY.—The Board of
 12 Governors of the Federal Reserve System may issue inter-
 13 pretations of any provision of this title as such provision
 14 may apply to any persons identified under paragraph (1),
 15 (2), and (3) of subsection (b), or to the holding companies
 16 and affiliates of such persons, in consultation with Federal
 17 agencies identified in paragraphs (1), (2), and (3) of sub-
 18 section (b).”.

19 **SEC. 419. PREEMPTION OF STATE LAW.**

20 Section 624 of the Fair Credit Reporting Act (as re-
 21 designated by section 413(a) of this division) is amend-
 22 ed—

23 (1) by striking “This title” and inserting “(a)
 24 IN GENERAL.—Except as provided in subsections
 25 (b) and (c), this title”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) GENERAL EXCEPTIONS.—No requirement or
4 prohibition may be imposed under the laws of any State—

5 “(1) with respect to any subject matter regu-
6 lated under—

7 “(A) subsection (c) or (e) of section 604,
8 relating to the prescreening of consumer re-
9 ports;

10 “(B) section 611, relating to the time by
11 which a consumer reporting agency must take
12 any action, including the provision of notifica-
13 tion to a consumer or other person, in any pro-
14 cedure related to the disputed accuracy of infor-
15 mation in a consumer’s file, except that this
16 subparagraph does not apply to any State law
17 in effect on the date of enactment of the
18 Consumer Credit Reporting Reform Act of
19 1996;

20 “(C) subsections (a) and (b) of section
21 615, relating to the duties of a person who
22 takes any adverse action with respect to a
23 consumer;

24 “(D) section 615(d), relating to the duties
25 of persons who use a consumer report of a

1 consumer in connection with any credit or in-
2 surance transaction that is not initiated by the
3 consumer and that consists of a firm offer of
4 credit or insurance;

5 “(E) section 615(e), relating to the duties
6 of persons who use a consumer report of a
7 consumer in connection with any direct market-
8 ing transaction that is not initiated by the
9 consumer;

10 “(F) section 605, relating to information
11 contained in consumer reports, except that this
12 subparagraph does not apply to any State law
13 in effect on the date of enactment of the
14 Consumer Credit Reporting Reform Act of
15 1996; or

16 “(G) section 623, relating to the respon-
17 sibilities of persons who furnish information to
18 consumer reporting agencies, except that this
19 paragraph does not apply—

20 “(i) with respect to section 54A(a) of
21 chapter 93 of the Massachusetts Anno-
22 tated Laws (as in effect on the date of en-
23 actment of the Consumer Credit Reporting
24 Reform Act of 1996); or

1 “(ii) with respect to section
2 1785.25(a) of the California Civil Code (as
3 in effect on the date of enactment of the
4 Consumer Credit Reporting Reform Act of
5 1996);

6 “(2) with respect to the exchange of informa-
7 tion among persons affiliated by common ownership
8 or common corporate control, except that this para-
9 graph does not apply with respect to subsection (a)
10 or (c)(1) of section 2480e of title 9, Vermont Stat-
11 utes Annotated (as in effect on the date of enact-
12 ment of the Consumer Credit Reporting Reform Act
13 of 1996); or

14 “(3) with respect to the form and content of
15 any disclosure required to be made under section
16 609(c).

17 “(c) DEFINITION OF FIRM OFFER OF CREDIT OR IN-
18 SURANCE.—Notwithstanding any definition of the term
19 ‘firm offer of credit or insurance’ (or any equivalent term)
20 under the laws of any State, the definition of that term
21 contained in section 603(l) shall be construed to apply in
22 the enforcement and interpretation of the laws of any
23 State governing consumer reports.

24 “(d) LIMITATIONS.—Subsections (b) and (c)—

1 “(1) do not affect any settlement, agreement, or
2 consent judgment between any State Attorney Gen-
3 eral and any consumer reporting agency in effect on
4 the date of enactment of the Consumer Credit Re-
5 porting Reform Act of 1996; and

6 “(2) do not apply to any provision of State law
7 (including any provision of a State constitution)
8 that—

9 “(A) is enacted after January 1, 2004;

10 “(B) states explicitly that the provision is
11 intended to supplement this title; and

12 “(C) gives greater protection to consumers
13 than is provided under this title.”.

14 **SEC. 420. EFFECTIVE DATE.**

15 (a) **IN GENERAL.**—Except as otherwise specifically
16 provided in this subtitle, the amendments made by this
17 subtitle shall become effective 365 days after the date of
18 enactment of this Act.

19 (b) **EARLY COMPLIANCE.**—Any person or other entity
20 that is subject to the requirements of this subtitle may,
21 at its option, comply with any provision of this subtitle
22 prior to the date on which that provision becomes effective
23 under this subtitle, in which case, each of the correspond-
24 ing provisions of this subtitle shall be fully applicable to
25 such person or entity.

1 **SEC. 421. RELATIONSHIP TO OTHER LAW.**

2 Nothing in this subtitle or the amendments made by
 3 this subtitle shall be considered to supersede or otherwise
 4 affect section 2721 of title 18, United States Code, with
 5 respect to motor vehicle records for surveys, marketing,
 6 or solicitations.

7 **Subtitle B—Credit Repair**
 8 **Organizations**

9 **SEC. 451. REGULATION OF CREDIT REPAIR ORGANIZA-**
 10 **TIONS.**

11 Title IV of the Consumer Credit Protection Act (Pub-
 12 lic Law 90–321, 82 Stat. 164) is amended to read as fol-
 13 lows:

14 **“TITLE IV—CREDIT REPAIR**
 15 **ORGANIZATIONS**

- “Sec.
- “401. Short title.
- “402. Findings and purposes.
- “403. Definitions.
- “404. Prohibited practices.
- “405. Disclosures.
- “406. Credit repair organizations contracts.
- “407. Right to cancel contract.
- “408. Noncompliance with this title.
- “409. Civil liability.
- “410. Administrative enforcement.
- “411. Statute of limitations.
- “412. Relation to State law.
- “413. Effective date.

16 **“SEC. 401. SHORT TITLE.**

17 “This title may be cited as the ‘Credit Repair Organi-
 18 zations Act’.

1 **“SEC. 402. FINDINGS AND PURPOSES.**

2 “(a) FINDINGS.—The Congress makes the following
3 findings:

4 “(1) Consumers have a vital interest in estab-
5 lishing and maintaining their credit worthiness and
6 credit standing in order to obtain and use credit. As
7 a result, consumers who have experienced credit
8 problems may seek assistance from credit repair or-
9 ganizations which offer to improve the credit stand-
10 ing of such consumers.

11 “(2) Certain advertising and business practices
12 of some companies engaged in the business of credit
13 repair services have worked a financial hardship
14 upon consumers, particularly those of limited eco-
15 nomic means and who are inexperienced in credit
16 matters.

17 “(b) PURPOSES.—The purposes of this title are—

18 “(1) to ensure that prospective buyers of the
19 services of credit repair organizations are provided
20 with the information necessary to make an informed
21 decision regarding the purchase of such services; and

22 “(2) to protect the public from unfair or decep-
23 tive advertising and business practices by credit re-
24 pair organizations.

1 **“SEC. 403. DEFINITIONS.**

2 “For purposes of this title, the following definitions
3 apply:

4 “(1) CONSUMER.—The term ‘consumer’ means
5 an individual.

6 “(2) CONSUMER CREDIT TRANSACTION.—The
7 term ‘consumer credit transaction’ means any trans-
8 action in which credit is offered or extended to an
9 individual for personal, family, or household pur-
10 poses.

11 “(3) CREDIT REPAIR ORGANIZATION.—The
12 term ‘credit repair organization’—

13 “(A) means any person who uses any in-
14 strumentality of interstate commerce or the
15 mails to sell, provide, or perform (or represent
16 that such person can or will sell, provide, or
17 perform) any service, in return for the payment
18 of money or other valuable consideration, for
19 the express or implied purpose of—

20 “(i) improving any consumer’s credit
21 record, credit history, or credit rating; or

22 “(ii) providing advice or assistance to
23 any consumer with regard to any activity
24 or service described in clause (i); and

25 “(B) does not include—

1 “(i) any nonprofit organization which
2 is exempt from taxation under section
3 501(c)(3) of the Internal Revenue Code of
4 1986;

5 “(ii) any creditor (as defined in sec-
6 tion 103 of the Truth in Lending Act),
7 with respect to any consumer, to the extent
8 the creditor is assisting the consumer to
9 restructure any debt owed by the consumer
10 to the creditor; or

11 “(iii) any depository institution (as
12 that term is defined in section 3 of the
13 Federal Deposit Insurance Act) or any
14 Federal or State credit union (as those
15 terms are defined in section 101 of the
16 Federal Credit Union Act), or any affiliate
17 or subsidiary of such a depository institu-
18 tion or credit union.

19 “(4) CREDIT.—The term ‘credit’ has the mean-
20 ing given to such term in section 103(e) of this Act.

21 **“SEC. 404. PROHIBITED PRACTICES.**

22 “(a) IN GENERAL.—No person may—

23 “(1) make any statement, or counsel or advise
24 any consumer to make any statement, which is un-
25 true or misleading (or which, upon the exercise of

1 reasonable care, should be known by the credit re-
2 pair organization, officer, employee, agent, or other
3 person to be untrue or misleading) with respect to
4 any consumer's credit worthiness, credit standing, or
5 credit capacity to—

6 “(A) any consumer reporting agency (as
7 defined in section 603(f) of this Act); or

8 “(B) any person—

9 “(i) who has extended credit to the
10 consumer; or

11 “(ii) to whom the consumer has ap-
12 plied or is applying for an extension of
13 credit;

14 “(2) make any statement, or counsel or advise
15 any consumer to make any statement, the intended
16 effect of which is to alter the consumer's identifica-
17 tion to prevent the display of the consumer's credit
18 record, history, or rating for the purpose of conceal-
19 ing adverse information that is accurate and not ob-
20 solete to—

21 “(A) any consumer reporting agency;

22 “(B) any person—

23 “(i) who has extended credit to the
24 consumer; or

1 “(ii) to whom the consumer has ap-
2 plied or is applying for an extension of
3 credit;

4 “(3) make or use any untrue or misleading rep-
5 resentation of the services of the credit repair orga-
6 nization; or

7 “(4) engage, directly or indirectly, in any act,
8 practice, or course of business that constitutes or re-
9 sults in the commission of, or an attempt to commit,
10 a fraud or deception on any person in connection
11 with the offer or sale of the services of the credit re-
12 pair organization.

13 “(b) PAYMENT IN ADVANCE.—No credit repair orga-
14 nization may charge or receive any money or other valu-
15 able consideration for the performance of any service
16 which the credit repair organization has agreed to perform
17 for any consumer before such service is fully performed.

18 **“SEC. 405. DISCLOSURES.**

19 “(a) DISCLOSURE REQUIRED.—Any credit repair or-
20 ganization shall provide any consumer with the following
21 written statement before any contract or agreement be-
22 tween the consumer and the credit repair organization is
23 executed:

1 **“Consumer Credit File Rights**
2 **Under State and Federal Law**

3 “‘You have a right to dispute inaccurate information
4 in your credit report by contacting the credit bureau di-
5 rectly. However, neither you nor any “credit repair” com-
6 pany or credit repair organization has the right to have
7 accurate, current, and verifiable information removed
8 from your credit report. The credit bureau must remove
9 accurate, negative information from your report only if it
10 is over 7 years old. Bankruptcy information can be re-
11 ported for 10 years.

12 “‘You have a right to obtain a copy of your credit
13 report from a credit bureau. You may be charged a rea-
14 sonable fee. There is no fee, however, if you have been
15 turned down for credit, employment, insurance, or a rental
16 dwelling because of information in your credit report with-
17 in the preceding 60 days. The credit bureau must provide
18 someone to help you interpret the information in your
19 credit file. You are entitled to receive a free copy of your
20 credit report if you are unemployed and intend to apply
21 for employment in the next 60 days, if you are a recipient
22 of public welfare assistance, or if you have reason to be-
23 lieve that there is inaccurate information in your credit
24 report due to fraud.

1 “‘You have a right to sue a credit repair organization
2 that violates the Credit Repair Organization Act. This law
3 prohibits deceptive practices by credit repair organiza-
4 tions.

5 “‘You have the right to cancel your contract with any
6 credit repair organization for any reason within 3 business
7 days from the date you signed it.

8 “‘Credit bureaus are required to follow reasonable
9 procedures to ensure that the information they report is
10 accurate. However, mistakes may occur.

11 “‘You may, on your own, notify a credit bureau in
12 writing that you dispute the accuracy of information in
13 your credit file. The credit bureau must then reinvestigate
14 and modify or remove inaccurate or incomplete informa-
15 tion. The credit bureau may not charge any fee for this
16 service. Any pertinent information and copies of all docu-
17 ments you have concerning an error should be given to
18 the credit bureau.

19 “‘If the credit bureau’s reinvestigation does not re-
20 solve the dispute to your satisfaction, you may send a brief
21 statement to the credit bureau, to be kept in your file,
22 explaining why you think the record is inaccurate. The
23 credit bureau must include a summary of your statement
24 about disputed information with any report it issues about
25 you.

1 “‘The Federal Trade Commission regulates credit
2 bureaus and credit repair organizations. For more infor-
3 mation contact:

4 “‘The Public Reference Branch
5 “‘Federal Trade Commission
6 “‘Washington, D.C. 20580’.

7 “(b) SEPARATE STATEMENT REQUIREMENT.—The
8 written statement required under this section shall be pro-
9 vided as a document which is separate from any written
10 contract or other agreement between the credit repair or-
11 ganization and the consumer or any other written material
12 provided to the consumer.

13 “(c) RETENTION OF COMPLIANCE RECORDS.—

14 “(1) IN GENERAL.—The credit repair organiza-
15 tion shall maintain a copy of the statement signed
16 by the consumer acknowledging receipt of the state-
17 ment.

18 “(2) MAINTENANCE FOR 2 YEARS.—The copy
19 of any consumer’s statement shall be maintained in
20 the organization’s files for 2 years after the date on
21 which the statement is signed by the consumer.

22 **“SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.**

23 “(a) WRITTEN CONTRACTS REQUIRED.—No services
24 may be provided by any credit repair organization for any
25 consumer—

1 “(1) unless a written and dated contract (for
2 the purchase of such services) which meets the re-
3 quirements of subsection (b) has been signed by the
4 consumer; or

5 “(2) before the end of the 3-business-day period
6 beginning on the date the contract is signed.

7 “(b) TERMS AND CONDITIONS OF CONTRACT.—No
8 contract referred to in subsection (a) meets the require-
9 ments of this subsection unless such contract includes (in
10 writing)—

11 “(1) the terms and conditions of payment, in-
12 cluding the total amount of all payments to be made
13 by the consumer to the credit repair organization or
14 to any other person;

15 “(2) a full and detailed description of the serv-
16 ices to be performed by the credit repair organiza-
17 tion for the consumer, including—

18 “(A) all guarantees of performance; and

19 “(B) an estimate of—

20 “(i) the date by which the perform-
21 ance of the services (to be performed by
22 the credit repair organization or any other
23 person) will be complete; or

24 “(ii) the length of the period nec-
25 essary to perform such services;

1 “(3) the credit repair organization’s name and
2 principal business address; and

3 “(4) a conspicuous statement in bold face type,
4 in immediate proximity to the space reserved for the
5 consumer’s signature on the contract, which reads as
6 follows: ‘You may cancel this contract without pen-
7 alty or obligation at any time before midnight of the
8 3rd business day after the date on which you signed
9 the contract. See the attached notice of cancellation
10 form for an explanation of this right.’.

11 **“SEC. 407. RIGHT TO CANCEL CONTRACT.**

12 “(a) IN GENERAL.—Any consumer may cancel any
13 contract with any credit repair organization without pen-
14 alty or obligation by notifying the credit repair organiza-
15 tion of the consumer’s intention to do so at any time be-
16 fore midnight of the 3rd business day which begins after
17 the date on which the contract or agreement between the
18 consumer and the credit repair organization is executed
19 or would, but for this subsection, become enforceable
20 against the parties.

21 “(b) CANCELLATION FORM AND OTHER INFORMA-
22 TION.—Each contract shall be accompanied by a form, in
23 duplicate, which has the heading ‘Notice of Cancellation’
24 and contains in bold face type the following statement:

1 “‘You may cancel this contract, without any
2 penalty or obligation, at any time before midnight of
3 the 3rd day which begins after the date the contract
4 is signed by you.

5 “‘To cancel this contract, mail or deliver a
6 signed, dated copy of this cancellation notice, or any
7 other written notice to [name of credit repair
8 organization] at [address of credit repair
9 organization] before midnight on [date]

10 “‘I hereby cancel this transaction,
11 [date]
12 [purchaser’s signature].’.

13 “(c) CONSUMER COPY OF CONTRACT REQUIRED.—
14 Any consumer who enters into any contract with any cred-
15 it repair organization shall be given, by the organization—

16 “‘(1) a copy of the completed contract and the
17 disclosure statement required under section 405; and

18 “‘(2) a copy of any other document the credit
19 repair organization requires the consumer to sign,
20 at the time the contract or the other document is signed.

21 **“SEC. 408. NONCOMPLIANCE WITH THIS TITLE.**

22 “(a) CONSUMER WAIVERS INVALID.—Any waiver by
23 any consumer of any protection provided by or any right
24 of the consumer under this title—

25 “‘(1) shall be treated as void; and

1 “(2) may not be enforced by any Federal or
2 State court or any other person.

3 “(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt
4 by any person to obtain a waiver from any consumer of
5 any protection provided by or any right of the consumer
6 under this title shall be treated as a violation of this title.

7 “(c) CONTRACTS NOT IN COMPLIANCE.—Any con-
8 tract for services which does not comply with the applica-
9 ble provisions of this title—

10 “(1) shall be treated as void; and

11 “(2) may not be enforced by any Federal or
12 State court or any other person.

13 **“SEC. 409. CIVIL LIABILITY.**

14 “(a) LIABILITY ESTABLISHED.—Any person who
15 fails to comply with any provision of this title with respect
16 to any other person shall be liable to such person in an
17 amount equal to the sum of the amounts determined
18 under each of the following paragraphs:

19 “(1) ACTUAL DAMAGES.—The greater of—

20 “(A) the amount of any actual damage
21 sustained by such person as a result of such
22 failure; or

23 “(B) any amount paid by the person to the
24 credit repair organization.

25 “(2) PUNITIVE DAMAGES.—

1 “(A) INDIVIDUAL ACTIONS.—In the case of
2 any action by an individual, such additional
3 amount as the court may allow.

4 “(B) CLASS ACTIONS.—In the case of a
5 class action, the sum of—

6 “(i) the aggregate of the amount
7 which the court may allow for each named
8 plaintiff; and

9 “(ii) the aggregate of the amount
10 which the court may allow for each other
11 class member, without regard to any mini-
12 mum individual recovery.

13 “(3) ATTORNEYS’ FEES.—In the case of any
14 successful action to enforce any liability under para-
15 graph (1) or (2), the costs of the action, together
16 with reasonable attorneys’ fees.

17 “(b) FACTORS TO BE CONSIDERED IN AWARDING
18 PUNITIVE DAMAGES.—In determining the amount of any
19 liability of any credit repair organization under subsection
20 (a)(2), the court shall consider, among other relevant fac-
21 tors—

22 “(1) the frequency and persistence of non-
23 compliance by the credit repair organization;

24 “(2) the nature of the noncompliance;

1 “(3) the extent to which such noncompliance
2 was intentional; and

3 “(4) in the case of any class action, the number
4 of consumers adversely affected.

5 **“SEC. 410. ADMINISTRATIVE ENFORCEMENT.**

6 “(a) IN GENERAL.—Compliance with the require-
7 ments imposed under this title with respect to credit repair
8 organizations shall be enforced under the Federal Trade
9 Commission Act by the Federal Trade Commission.

10 “(b) VIOLATIONS OF THIS TITLE TREATED AS VIO-
11 LATIONS OF FEDERAL TRADE COMMISSION ACT.—

12 “(1) IN GENERAL.—For the purpose of the ex-
13 ercise by the Federal Trade Commission of the Com-
14 mission’s functions and powers under the Federal
15 Trade Commission Act, any violation of any require-
16 ment or prohibition imposed under this title with re-
17 spect to credit repair organizations shall constitute
18 an unfair or deceptive act or practice in commerce
19 in violation of section 5(a) of the Federal Trade
20 Commission Act.

21 “(2) ENFORCEMENT AUTHORITY UNDER OTHER
22 LAW.—All functions and powers of the Federal
23 Trade Commission under the Federal Trade Com-
24 mission Act shall be available to the Commission to
25 enforce compliance with this title by any person sub-

1 ject to enforcement by the Federal Trade Commis-
2 sion pursuant to this subsection, including the power
3 to enforce the provisions of this title in the same
4 manner as if the violation had been a violation of
5 any Federal Trade Commission trade regulation
6 rule, without regard to whether the credit repair or-
7 ganization—

8 “(A) is engaged in commerce; or

9 “(B) meets any other jurisdictional tests in
10 the Federal Trade Commission Act.

11 “(c) STATE ACTION FOR VIOLATIONS.—

12 “(1) AUTHORITY OF STATES.—In addition to
13 such other remedies as are provided under State
14 law, whenever the chief law enforcement officer of a
15 State, or an official or agency designated by a State,
16 has reason to believe that any person has violated or
17 is violating this title, the State—

18 “(A) may bring an action to enjoin such
19 violation;

20 “(B) may bring an action on behalf of its
21 residents to recover damages for which the per-
22 son is liable to such residents under section 409
23 as a result of the violation; and

24 “(C) in the case of any successful action
25 under subparagraph (A) or (B), shall be award-

1 ed the costs of the action and reasonable attor-
2 ney fees as determined by the court.

3 “(2) RIGHTS OF COMMISSION.—

4 “(A) NOTICE TO COMMISSION.—The State
5 shall serve prior written notice of any civil ac-
6 tion under paragraph (1) upon the Federal
7 Trade Commission and provide the Commission
8 with a copy of its complaint, except in any case
9 where such prior notice is not feasible, in which
10 case the State shall serve such notice imme-
11 diately upon instituting such action.

12 “(B) INTERVENTION.—The Commission
13 shall have the right—

14 “(i) to intervene in any action re-
15 ferred to in subparagraph (A);

16 “(ii) upon so intervening, to be heard
17 on all matters arising in the action; and

18 “(iii) to file petitions for appeal.

19 “(3) INVESTIGATORY POWERS.—For purposes
20 of bringing any action under this subsection, nothing
21 in this subsection shall prevent the chief law enforce-
22 ment officer, or an official or agency designated by
23 a State, from exercising the powers conferred on the
24 chief law enforcement officer or such official by the
25 laws of such State to conduct investigations or to

1 administer oaths or affirmations or to compel the at-
2 tendance of witnesses or the production of documen-
3 tary and other evidence.

4 “(4) LIMITATION.—Whenever the Federal
5 Trade Commission has instituted a civil action for
6 violation of this title, no State may, during the pend-
7 ency of such action, bring an action under this sec-
8 tion against any defendant named in the complaint
9 of the Commission for any violation of this title that
10 is alleged in that complaint.

11 **“SEC. 411. STATUTE OF LIMITATIONS.**

12 “Any action to enforce any liability under this title
13 may be brought before the later of—

14 “(1) the end of the 5-year period beginning on
15 the date of the occurrence of the violation involved;
16 or

17 “(2) in any case in which any credit repair or-
18 ganization has materially and willfully misrepres-
19 sented any information which—

20 “(A) the credit repair organization is re-
21 quired, by any provision of this title, to disclose
22 to any consumer; and

23 “(B) is material to the establishment of
24 the credit repair organization’s liability to the
25 consumer under this title,

1 the end of the 5-year period beginning on the date
2 of the discovery by the consumer of the misrepresenta-
3 tion.

4 **“SEC. 412. RELATION TO STATE LAW.**

5 “This title shall not annul, alter, affect, or exempt
6 any person subject to the provisions of this title from com-
7 plying with any law of any State except to the extent that
8 such law is inconsistent with any provision of this title,
9 and then only to the extent of the inconsistency.

10 **“SEC. 413. EFFECTIVE DATE.**

11 “This title shall apply after the end of the 6-month
12 period beginning on the date of the enactment of the Cred-
13 it Repair Organizations Act, except with respect to con-
14 tracts entered into by a credit repair organization before
15 the end of such period.”.

16 **SEC. 452. CREDIT WORTHINESS.**

17 It is the sense of the Senate that—

18 (1) individuals should generally be judged for
19 credit worthiness based on their own credit worthi-
20 ness and not on the zip code or neighborhood in
21 which they live; and

22 (2) the Federal Trade Commission, after con-
23 sultation with the appropriate Federal banking agen-
24 cy, should report to the Committee on Banking,
25 Housing, and Urban Affairs of the Senate as to

1 whether and how the location of the residence of an
 2 applicant for unsecured credit is considered by many
 3 companies and financial institutions in deciding
 4 whether an applicant should be granted credit.

5 **TITLE V—ASSET CONSERVA-**
 6 **TION, LENDER LIABILITY,**
 7 **AND DEPOSIT INSURANCE**
 8 **PROTECTION**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “Asset Conservation,
 11 Lender Liability, and Deposit Insurance Protection Act of
 12 1996”.

13 **SEC. 502. CERCLA LENDER AND FIDUCIARY LIABILITY**
 14 **LIMITATIONS AMENDMENTS.**

15 (a) IN GENERAL.—Section 107 of the Comprehensive
 16 Environmental Response, Compensation, and Liability Act
 17 of 1980 (42 U.S.C. 9607) is amended by adding at the
 18 end the following:

19 “(n) LIABILITY OF FIDUCIARIES.—

20 “(1) IN GENERAL.—The liability of a fiduciary
 21 under any provision of this Act for the release or
 22 threatened release of a hazardous substance at,
 23 from, or in connection with a vessel or facility held
 24 in a fiduciary capacity shall not exceed the assets
 25 held in the fiduciary capacity.

1 “(2) EXCLUSION.—Paragraph (1) does not
2 apply to the extent that a person is liable under this
3 Act independently of the person’s ownership of a
4 vessel or facility as a fiduciary or actions taken in
5 a fiduciary capacity.

6 “(3) LIMITATION.—Paragraphs (1) and (4) do
7 not limit the liability pertaining to a release or
8 threatened release of a hazardous substance if neg-
9 ligence of a fiduciary causes or contributes to the re-
10 lease or threatened release.

11 “(4) SAFE HARBOR.—A fiduciary shall not be
12 liable in its personal capacity under this Act for—

13 “(A) undertaking or directing another per-
14 son to undertake a response action under sub-
15 section (d)(1) or under the direction of an on
16 scene coordinator designated under the Na-
17 tional Contingency Plan;

18 “(B) undertaking or directing another per-
19 son to undertake any other lawful means of ad-
20 dressing a hazardous substance in connection
21 with the vessel or facility;

22 “(C) terminating the fiduciary relationship;

23 “(D) including in the terms of the fidu-
24 ciary agreement a covenant, warranty, or other
25 term or condition that relates to compliance

1 with an environmental law, or monitoring,
2 modifying or enforcing the term or condition;

3 “(E) monitoring or undertaking 1 or more
4 inspections of the vessel or facility;

5 “(F) providing financial or other advice or
6 counseling to other parties to the fiduciary rela-
7 tionship, including the settlor or beneficiary;

8 “(G) restructuring, renegotiating, or other-
9 wise altering the terms and conditions of the fi-
10 duciary relationship;

11 “(H) administering, as a fiduciary, a vessel
12 or facility that was contaminated before the fi-
13 duciary relationship began; or

14 “(I) declining to take any of the actions
15 described in subparagraphs (B) through (H).

16 “(5) DEFINITIONS.—As used in this Act:

17 “(A) FIDUCIARY.—The term ‘fiduciary’—

18 “(i) means a person acting for the
19 benefit of another party as a bona fide—

20 “(I) trustee;

21 “(II) executor;

22 “(III) administrator;

23 “(IV) custodian;

24 “(V) guardian of estates or
25 guardian ad litem;

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“(VI) receiver;

“(VII) conservator;

“(VIII) committee of estates of incapacitated persons;

“(IX) personal representative;

“(X) trustee (including a successor to a trustee) under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender; or

“(XI) representative in any other capacity that the Administrator, after providing public notice, determines to be similar to the capacities described in subclauses (I) through (X); and

“(ii) does not include—

“(I) a person that is acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a

1 trade or business for profit, unless the
2 trust or other fiduciary estate was
3 created as part of, or to facilitate, 1
4 or more estate plans or because of the
5 incapacity of a natural person; or

6 “(II) a person that acquires own-
7 ership or control of a vessel or facility
8 with the objective purpose of avoiding
9 liability of the person or of any other
10 person.

11 “(B) FIDUCIARY CAPACITY.—The term ‘fi-
12 duciary capacity’ means the capacity of a per-
13 son in holding title to a vessel or facility, or
14 otherwise having control of or an interest in the
15 vessel or facility, pursuant to the exercise of the
16 responsibilities of the person as a fiduciary.

17 “(6) SAVINGS CLAUSE.—Nothing in this sub-
18 section—

19 “(A) affects the rights or immunities or
20 other defenses that are available under this Act
21 or other law that is applicable to a person sub-
22 ject to this subsection; or

23 “(B) creates any liability for a person or a
24 private right of action against a fiduciary or
25 any other person.

1 “(7) NO EFFECT ON CERTAIN PERSONS.—
2 Nothing in this subsection applies to a person if the
3 person—

4 “(A)(i) acts in a capacity other than that
5 of a fiduciary or in a beneficiary capacity; and

6 “(ii) in that capacity, directly or indirectly
7 benefits from a trust or fiduciary relationship;
8 or

9 “(B)(i) is a beneficiary and a fiduciary
10 with respect to the same fiduciary estate; and

11 “(ii) as a fiduciary, receives benefits that
12 exceed customary or reasonable compensation,
13 and incidental benefits, permitted under other
14 applicable law.

15 “(8) LIMITATION.—This subsection does not
16 preclude a claim under this Act against—

17 “(A) the assets of the estate or trust ad-
18 ministered by the fiduciary; or

19 “(B) a nonemployee agent or independent
20 contractor retained by a fiduciary.”.

21 (b) DEFINITION OF OWNER OR OPERATOR.—Section
22 101(20) of the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980 (42 U.S.C.
24 9601(20)) is amended by adding at the end the following:

1 “(E) EXCLUSION OF LENDERS NOT PAR-
2 TICIPANTS IN MANAGEMENT.—

3 “(i) INDICIA OF OWNERSHIP TO PRO-
4 TECT SECURITY.—The term ‘owner or op-
5 erator’ does not include a person that is a
6 lender that, without participating in the
7 management of a vessel or facility, holds
8 indicia of ownership primarily to protect
9 the security interest of the person in the
10 vessel or facility.

11 “(ii) FORECLOSURE.—The term
12 ‘owner or operator’ does not include a per-
13 son that is a lender that did not partici-
14 pate in management of a vessel or facility
15 prior to foreclosure, notwithstanding that
16 the person—

17 “(I) forecloses on the vessel or
18 facility; and

19 “(II) after foreclosure, sells, re-
20 leases (in the case of a lease finance
21 transaction), or liquidates the vessel
22 or facility, maintains business activi-
23 ties, winds up operations, undertakes
24 a response action under section
25 107(d)(1) or under the direction of an

1 on-scene coordinator appointed under
2 the National Contingency Plan, with
3 respect to the vessel or facility, or
4 takes any other measure to preserve,
5 protect, or prepare the vessel or facil-
6 ity prior to sale or disposition,
7 if the person seeks to sell, re-lease (in the
8 case of a lease finance transaction), or oth-
9 erwise divest the person of the vessel or fa-
10 cility at the earliest practicable, commer-
11 cially reasonable time, on commercially
12 reasonable terms, taking into account mar-
13 ket conditions and legal and regulatory re-
14 quirements.

15 “(F) PARTICIPATION IN MANAGEMENT.—

16 For purposes of subparagraph (E)—

17 “(i) the term ‘participate in manage-
18 ment’—

19 “(I) means actually participating
20 in the management or operational af-
21 fairs of a vessel or facility; and

22 “(II) does not include merely
23 having the capacity to influence, or
24 the unexercised right to control, vessel
25 or facility operations;

1 “(ii) a person that is a lender and
2 that holds indicia of ownership primarily to
3 protect a security interest in a vessel or fa-
4 cility shall be considered to participate in
5 management only if, while the borrower is
6 still in possession of the vessel or facility
7 encumbered by the security interest, the
8 person—

9 “(I) exercises decisionmaking
10 control over the environmental compli-
11 ance related to the vessel or facility,
12 such that the person has undertaken
13 responsibility for the hazardous sub-
14 stance handling or disposal practices
15 related to the vessel or facility; or

16 “(II) exercises control at a level
17 comparable to that of a manager of
18 the vessel or facility, such that the
19 person has assumed or manifested re-
20 sponsibility—

21 “(aa) for the overall man-
22 agement of the vessel or facility
23 encompassing day-to-day deci-
24 sionmaking with respect to envi-
25 ronmental compliance; or

1 “(bb) over all or substan-
2 tially all of the operational func-
3 tions (as distinguished from fi-
4 nancial or administrative func-
5 tions) of the vessel or facility
6 other than the function of envi-
7 ronmental compliance;

8 “(iii) the term ‘participate in manage-
9 ment’ does not include performing an act
10 or failing to act prior to the time at which
11 a security interest is created in a vessel or
12 facility; and

13 “(iv) the term ‘participate in manage-
14 ment’ does not include—

15 “(I) holding a security interest or
16 abandoning or releasing a security in-
17 terest;

18 “(II) including in the terms of an
19 extension of credit, or in a contract or
20 security agreement relating to the ex-
21 tension, a covenant, warranty, or
22 other term or condition that relates to
23 environmental compliance;

1 “(III) monitoring or enforcing
2 the terms and conditions of the exten-
3 sion of credit or security interest;

4 “(IV) monitoring or undertaking
5 1 or more inspections of the vessel or
6 facility;

7 “(V) requiring a response action
8 or other lawful means of addressing
9 the release or threatened release of a
10 hazardous substance in connection
11 with the vessel or facility prior to,
12 during, or on the expiration of the
13 term of the extension of credit;

14 “(VI) providing financial or other
15 advice or counseling in an effort to
16 mitigate, prevent, or cure default or
17 diminution in the value of the vessel
18 or facility;

19 “(VII) restructuring, renegotiat-
20 ing, or otherwise agreeing to alter the
21 terms and conditions of the extension
22 of credit or security interest, exercis-
23 ing forbearance;

24 “(VIII) exercising other remedies
25 that may be available under applicable

1 law for the breach of a term or condi-
2 tion of the extension of credit or secu-
3 rity agreement; or

4 “(IX) conducting a response ac-
5 tion under section 107(d) or under
6 the direction of an on-scene coordina-
7 tor appointed under the National Con-
8 tingency Plan,

9 if the actions do not rise to the level of
10 participating in management (within the
11 meaning of clauses (i) and (ii)).

12 “(G) OTHER TERMS.—As used in this Act:

13 “(i) EXTENSION OF CREDIT.—The
14 term ‘extension of credit’ includes a lease
15 finance transaction—

16 “(I) in which the lessor does not
17 initially select the leased vessel or fa-
18 cility and does not during the lease
19 term control the daily operations or
20 maintenance of the vessel or facility;
21 or

22 “(II) that conforms with regula-
23 tions issued by the appropriate Fed-
24 eral banking agency or the appro-
25 priate State bank supervisor (as those

1 terms are defined in section 3 of the
2 Federal Deposit Insurance Act (12
3 U.S.C. 1813) or with regulations is-
4 sued by the National Credit Union
5 Administration Board, as appropriate.

6 “(ii) FINANCIAL OR ADMINISTRATIVE
7 FUNCTION.—The term ‘financial or admin-
8 istrative function’ includes a function such
9 as that of a credit manager, accounts pay-
10 able officer, accounts receivable officer,
11 personnel manager, comptroller, or chief fi-
12 nancial officer, or a similar function.

13 “(iii) FORECLOSURE; FORECLOSE.—
14 The terms ‘foreclosure’ and ‘foreclose’
15 mean, respectively, acquiring, and to ac-
16 quire, a vessel or facility through—

17 “(I)(aa) purchase at sale under a
18 judgment or decree, power of sale, or
19 nonjudicial foreclosure sale;

20 “(bb) from a trustee, deed in lieu
21 of foreclosure, or similar conveyance;
22 or

23 “(cc) repossession,
24 if the vessel or facility was security for an
25 extension of credit previously contracted;

1 “(II) conveyance pursuant to an
2 extension of credit previously con-
3 tracted, including the termination of a
4 lease agreement; or

5 “(III) any other formal or infor-
6 mal manner by which the person ac-
7 quires, for subsequent disposition,
8 title to or possession of a vessel or fa-
9 cility in order to protect the security
10 interest of the person.

11 “(iv) LENDER.—The term lender in-
12 cludes—

13 “(I) an insured depository insti-
14 tution (as defined in section 3 of the
15 Federal Deposit Insurance Act (12
16 U.S.C. 1813);

17 “(II) an insured credit union (as
18 defined in section 101 of the Federal
19 Credit Union Act (12 U.S.C. 1752));

20 “(III) a bank or association char-
21 tered under the Farm Credit Act of
22 1971 (12 U.S.C. 2001 et seq.);

23 “(IV) a leasing or trust company
24 that is an affiliate of an insured de-
25 pository institution;

1 “(V) any person (including a suc-
2 cessor or assignee of any such person)
3 that makes a bona fide extension of
4 credit to or takes or acquires a secu-
5 rity interest from a nonaffiliated per-
6 son;

7 “(VI) the Federal National Mort-
8 gage Association, the Federal Home
9 Loan Mortgage Corporation, the Fed-
10 eral Agricultural Mortgage Corpora-
11 tion, or any other entity that in a
12 bona fide manner buys or sells loans
13 or interests in loans;

14 “(VII) a person that insures or
15 guarantees against a default in the re-
16 payment of an extension of credit, or
17 acts as a surety with respect to an ex-
18 tension of credit, to a nonaffiliated
19 person; and

20 “(VIII) a person that provides
21 title insurance and that acquires a
22 vessel or facility as a result of assign-
23 ment or conveyance in the course of
24 underwriting claims and claims settle-
25 ment.

1 “(v) OPERATIONAL FUNCTION.—The
2 term ‘operational function’ includes a func-
3 tion such as that of a facility or plant
4 manager, operations manager, chief oper-
5 ating officer, or chief executive officer.

6 “(vi) SECURITY INTEREST.—The term
7 ‘security interest’ includes a right under a
8 mortgage, deed of trust, assignment, judg-
9 ment lien, pledge, security agreement, fac-
10 toring agreement, or lease and any other
11 right accruing to a person to secure the re-
12 payment of money, the performance of a
13 duty, or any other obligation by a non-
14 affiliated person.”.

15 **SEC. 503. CONFORMING AMENDMENT.**

16 Section 9003(h) of the Solid Waste Disposal Act (42
17 U.S.C. 6991b(h)) is amended by striking paragraph (9)
18 and inserting the following:

19 “(9) DEFINITION OF OWNER OR OPERATOR.—

20 “(A) IN GENERAL.—As used in this sub-
21 title, the terms ‘owner’ and ‘operator’ do not in-
22 clude a person that, without participating in the
23 management of an underground storage tank
24 and otherwise not engaged in petroleum produc-
25 tion, refining, or marketing, holds indicia of

1 ownership primarily to protect the person's se-
2 curity interest.

3 “(B) SECURITY INTEREST HOLDERS.—The
4 provisions regarding holders of security inter-
5 ests in subparagraphs (E) through (G) of sec-
6 tion 101(20) and the provisions regarding fidu-
7 ciaries at section 107(n) of the Comprehensive
8 Environmental Response, Compensation, and
9 Liability Act of 1980 shall apply in determining
10 whether a person is an owner or operator of an
11 underground storage tank for the purposes of
12 this Act.

13 “(C) AFFECT ON RULE.—Nothing in this
14 paragraph shall be construed as modifying or
15 affecting the final rule issued by the Adminis-
16 trator on September 7, 1995 (60 Fed. Reg.
17 46,692), or as limiting the authority of the Ad-
18 ministrator to amend the final rule, in accord-
19 ance with applicable law. The final rule in effect
20 on the date of enactment of this subparagraph
21 shall prevail over any inconsistent provision re-
22 garding holders of security interests in subpara-
23 graphs (E) through (G) of section 101(20) or
24 any inconsistent provision regarding fiduciaries
25 in section 107(n) of the Comprehensive Envi-

1 ronmental Response, Compensation, and Liabil-
2 ity Act of 1980. Any amendment to the final
3 rule shall be consistent with the provisions re-
4 garding holders of security interests in subpara-
5 graphs (E) through (G) of section 101(20) and
6 the provisions regarding fiduciaries in section
7 107(n) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act of
9 1980. This subparagraph does not preclude ju-
10 dicial review of any amendment of the final rule
11 made after the date of enactment of this sub-
12 paragraph.”.

13 **SEC. 504. LENDER LIABILITY RULE.**

14 (a) **IN GENERAL.**—Effective on the date of enact-
15 ment of this Act, the portion of the final rule issued by
16 the Administrator of the Environmental Protection Agen-
17 cy on April 29, 1992 (57 Fed. Reg. 18,344), promulgating
18 section 300.1105 of title 40, Code of Federal Regulations,
19 shall be deemed to have been validly issued under author-
20 ity of the Comprehensive Environmental Response, Com-
21 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
22 seq.) and to have been effective according to the terms
23 of the final rule. No additional administrative or judicial
24 proceedings shall be necessary or may be held with respect
25 to the final rule. Any reference in that portion of the final

1 rule to section 300.1100 of title 40, Code of Federal Regu-
2 lations, shall be deemed to be a reference to this title and
3 the amendments made by this title.

4 (b) JUDICIAL REVIEW.—Notwithstanding section
5 113(a) of the Comprehensive Environmental Response,
6 Compensation, and Liability Act of 1980 (42 U.S.C.
7 9613(a)), no court shall have jurisdiction to review the
8 portion of the final rule issued by the Administrator of
9 the Environmental Protection Agency on April 29, 1992
10 (57 Fed. Reg. 18,344) that promulgated section 300.1105
11 of title 40, Code of Federal Regulations.

12 (c) DELEGATION.—Nothing in this section limits the
13 authority of the President or a delegee of the President
14 to amend the portion of the final rule issued by the Ad-
15 ministrator of the Environmental Protection Agency on
16 April 29, 1992 (57 Fed. Reg. 18,344), promulgating sec-
17 tion 300.1105 of title 40, Code of Federal Regulations,
18 consistent with this title, the amendments made by this
19 title, and other applicable law.

20 (d) JUDICIAL REVIEW.—This section does not pre-
21 clude judicial review of any amendment of section
22 300.1105 of title 40, Code of Federal Regulations, made
23 after the date of enactment of this Act.

1 **SEC. 505. EFFECTIVE DATE.**

2 The amendments made by this title shall be applica-
3 ble with respect to any claim that has not been finally
4 adjudicated as of the date of enactment of this Act.

5 **TITLE VI—MISCELLANEOUS**

6 **SEC. 601. FEDERAL RESERVE STUDY.**

7 (a) STUDY OF ELECTRONIC STORED VALUE PROD-
8 UCTS.—

9 (1) STUDY.—The Board shall conduct a study
10 of electronic stored value products which evaluates
11 whether provisions of the Electronic Fund Transfer
12 Act could be applied to such products without ad-
13 versely impacting the cost, development, and oper-
14 ation of such products.

15 (2) CONSIDERATIONS.—In conducting its study
16 under paragraph (1), the Board shall consider
17 whether alternatives to regulation under the Elec-
18 tronic Fund Transfer Act, such as allowing competi-
19 tive market forces to shape the development and op-
20 eration of electronic stored value products, could
21 more efficiently achieve the objectives embodied in
22 that Act.

23 (b) REPORT.—The Board shall submit a report of its
24 study under subsection (a) to the Congress not later than
25 6 months after the date of enactment of this Act.

1 (c) ACTION TO FINALIZE.—The Board shall take no
 2 action to finalize any amendments to regulations under
 3 the Electronic Fund Transfer Act that would regulate
 4 electronic stored value products until the later of—

5 (1) 3 months after the date on which the report
 6 is submitted to the Congress under subsection (b);
 7 or

8 (2) 9 months after the date of enactment of
 9 this Act.

10 **SEC. 602. TREATMENT OF CLAIMS ARISING FROM BREACH**
 11 **OF CONTRACTS EXECUTED BY THE RE-**
 12 **CEIVER OR CONSERVATOR.**

13 Section 11(d) of the Federal Deposit Insurance Act
 14 (12 U.S.C. 1821(d)) is amended by adding at the end the
 15 following new paragraph:

16 “(20) TREATMENT OF CLAIMS ARISING FROM
 17 BREACH OF CONTRACTS EXECUTED BY THE RE-
 18 CEIVER OR CONSERVATOR.—Notwithstanding any
 19 other provision of this subsection, a final and
 20 unappealable judgment for monetary damages en-
 21 tered against a receiver or conservator for an in-
 22 sured depository institution for the breach of an
 23 agreement executed or approved by such receiver or
 24 conservator after the date of its appointment shall
 25 be paid as an administrative expense of the receiver

1 or conservator. Nothing in this paragraph shall be
 2 construed to limit the power of a receiver or con-
 3 servator to exercise any rights under contract or law,
 4 including to terminate, breach, cancel, or otherwise
 5 discontinue such agreement.”.

6 **SEC. 603. CRIMINAL SANCTIONS FOR FICTITIOUS FINAN-**
 7 **CIAL INSTRUMENTS AND COUNTERFEITING.**

8 (a) INCREASED PENALTIES FOR COUNTERFEITING
 9 VIOLATIONS.—Sections 474 and 474A of title 18, United
 10 States Code, are amended by striking “class C felony”
 11 each place that term appears and inserting “class B fel-
 12 ony”.

13 (b) CRIMINAL PENALTY FOR PRODUCTION, SALE,
 14 TRANSPORTATION, POSSESSION OF FICTITIOUS FINAN-
 15 CIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE
 16 STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE
 17 ORGANIZATIONS.—

18 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
 19 ed States Code, is amended by inserting after sec-
 20 tion 513, the following new section:

21 **“§ 514. Fictitious obligations**

22 “(a) Whoever, with the intent to defraud—

23 “(1) draws, prints, processes, produces, pub-
 24 lishes, or otherwise makes, or attempts or causes the
 25 same, within the United States;

1 “(2) passes, utters, presents, offers, brokers, is-
2 sues, sells, or attempts or causes the same, or with
3 like intent possesses, within the United States; or

4 “(3) utilizes interstate or foreign commerce, in-
5 cluding the use of the mails or wire, radio, or other
6 electronic communication, to transmit, transport,
7 ship, move, transfer, or attempts or causes the same,
8 to, from, or through the United States,

9 any false or fictitious instrument, document, or other item
10 appearing, representing, purporting, or contriving through
11 scheme or artifice, to be an actual security or other finan-
12 cial instrument issued under the authority of the United
13 States, a foreign government, a State or other political
14 subdivision of the United States, or an organization, shall
15 be guilty of a class B felony.

16 “(b) For purposes of this section, any term used in
17 this section that is defined in section 513(c) has the same
18 meaning given such term in section 513(c).

19 “(c) The United States Secret Service, in addition to
20 any other agency having such authority, shall have author-
21 ity to investigate offenses under this section.”.

22 (2) TECHNICAL AMENDMENT.—The analysis for
23 chapter 25 of title 18, United States Code, is
24 amended by inserting after the item relating to sec-
25 tion 513 the following:

“514. Fictitious obligations.”.

1 **SEC. 604. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.**

2 (a) REPEALS.—Section 271 of the Truth in Savings
3 Act (12 U.S.C. 4310) is repealed.

4 (b) ON-PREMISES DISPLAYS.—Section 263(c) of the
5 Truth in Savings Act (12 U.S.C. 4302(c)) is amended—

6 (1) by striking paragraph (2);

7 (2) by striking “(1) IN GENERAL.—”; and

8 (3) by redesignating subparagraphs (A) and
9 (B) as paragraphs (1) and (2), respectively, and in-
10 denting appropriately.

11 (c) DEPOSITORY INSTITUTION DEFINITION.—Section
12 274(6) of the Truth in Savings Act (12 U.S.C. 4313(6))
13 is amended by inserting before the period “, but does not
14 include any nonautomated credit union that was not re-
15 quired to comply with the requirements of this title as of
16 the date of enactment of the Economic Growth and Regu-
17 latory Paperwork Reduction Act of 1996, pursuant to the
18 determination of the National Credit Union Administra-
19 tion Board”.

20 (d) TIME DEPOSITS.—Section 266(a)(3) of the Truth
21 in Savings Act (12 U.S.C. 4305(a)(3)) is amended by in-
22 serting “has a maturity of more than 30 days” after “de-
23 posit which”.

24 **SEC. 605. CONSUMER LEASING ACT AMENDMENTS.**

25 (a) CONGRESSIONAL FINDINGS AND DECLARATION
26 OF PURPOSES.—

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

2 (A) competition among the various finan-
3 cial institutions and other firms engaged in the
4 business of consumer leasing is greatest when
5 there is informed use of leasing;

6 (B) the informed use of leasing results
7 from an awareness of the cost of leasing by con-
8 sumers; and

9 (C) there has been a continued trend to-
10 ward leasing automobiles and other durable
11 goods for consumer use as an alternative to in-
12 stallment credit sales and that leasing product
13 advances have occurred such that lessors have
14 been unable to provide consistent industry-wide
15 disclosures to fully account for the competitive
16 progress that has occurred.

17 (2) PURPOSES.—The purposes of this section
18 are—

19 (A) to assure a simple, meaningful disclo-
20 sure of leasing terms so that the consumer will
21 be able to compare more readily the various
22 leasing terms available to the consumer and
23 avoid the uninformed use of leasing, and to pro-
24 tect the consumer against inaccurate and unfair
25 leasing practices;

1 (B) to provide for adequate cost disclo-
 2 sures that reflect the marketplace without im-
 3 pairing competition and the development of new
 4 leasing products; and

5 (C) to provide the Board with the regu-
 6 latory authority to assure a simplified, mean-
 7 ingful definition and disclosure of the terms of
 8 certain leases of personal property for personal,
 9 family, or household purposes so as to—

10 (i) enable the lessee to compare more
 11 readily the various lease terms available to
 12 the lessee;

13 (ii) enable comparison of lease terms
 14 with credit terms, as appropriate; and

15 (iii) assure meaningful and accurate
 16 disclosures of lease terms in advertise-
 17 ments.

18 (b) REGULATIONS.—

19 (1) IN GENERAL.—Chapter 5 of the Truth in
 20 Lending Act (15 U.S.C. 1667 et seq.) is amended by
 21 adding at the end the following new section:

22 **“SEC. 187. REGULATIONS.**

23 **“(a) REGULATIONS AUTHORIZED.—**

24 **“(1) IN GENERAL.—**The Board shall promul-
 25 gate regulations to update and clarify the require-

1 ments and definitions applicable to lease disclosures
2 and contracts, and any other issues specifically relat-
3 ed to consumer leasing, to the extent that the Board
4 determines such action to be necessary—

5 “(A) to carry out this chapter;

6 “(B) to prevent any circumvention of this
7 chapter; or

8 “(C) to facilitate compliance with the re-
9 quirements of the chapter.

10 “(2) CLASSIFICATIONS, ADJUSTMENTS.—Any
11 regulations promulgated under paragraph (1) may
12 contain classifications and differentiations, and may
13 provide for adjustments and exceptions for any class
14 of transactions, as the Board considers appropriate.

15 “(b) MODEL DISCLOSURE.—

16 “(1) PUBLICATION.—The Board shall establish
17 and publish model disclosure forms to facilitate com-
18 pliance with the disclosure requirements of this
19 chapter and to aid the consumer in understanding
20 the transaction to which the subject disclosure form
21 relates.

22 “(2) USE OF AUTOMATED EQUIPMENT.—In es-
23 tablishing model forms under this subsection, the
24 Board shall consider the use by lessors of data proc-
25 essing or similar automated equipment.

1 “(3) USE OPTIONAL.—A lessor may utilize a
2 model disclosure form established by the Board
3 under this subsection for purposes of compliance
4 with this chapter, at the discretion of the lessor.

5 “(4) EFFECT OF USE.—Any lessor who uses the
6 material aspects of any model disclosure form estab-
7 lished by the Board under this subsection shall be
8 deemed to be in compliance with the disclosure re-
9 quirements to which the form relates.”.

10 (2) EFFECTIVE DATE.—

11 (A) IN GENERAL.—Any regulation of the
12 Board, or any amendment or interpretation of
13 any regulation of the Board issued pursuant to
14 section 187 of the Truth in Lending Act (as
15 added by paragraph (1) of this subsection),
16 shall become effective on the first October 1
17 that follows the date of promulgation of that
18 regulation, amendment, or interpretation by not
19 less than 6 months.

20 (B) LONGER PERIOD.—The Board may, at
21 the discretion of the Board, extend the time pe-
22 riod referred to in subparagraph (A) in accord-
23 ance with subparagraph (C), to permit lessors
24 to adjust their disclosure forms to accommodate
25 the requirements of section 127 of the Truth in

1 Lending Act (as added by paragraph (1) of this
2 subsection).

3 (C) SHORTER PERIOD.—The Board may
4 shorten the time period referred to in subpara-
5 graph (A), if the Board makes a specific finding
6 that such action is necessary to comply with the
7 findings of a court or to prevent an unfair or
8 deceptive practice.

9 (D) COMPLIANCE BEFORE EFFECTIVE
10 DATE.—Any lessor may comply with any means
11 of disclosure provided for in section 127 of the
12 Truth in Lending Act (as added by paragraph
13 (1) of this subsection) before the effective date
14 of such requirement.

15 (E) DEFINITIONS.—For purposes of this
16 subsection, the term “lessor” has the same
17 meaning as in section 181 of the Truth in
18 Lending Act.

19 (3) CLERICAL AMENDMENT.—The table of sec-
20 tions for chapter 5 of title I of the Truth in Lending
21 Act (15 U.S.C. 1601 et seq.) is amended by insert-
22 ing after the item relating to section 186 the follow-
23 ing new item:

“187. Regulations.”.

1 (c) CONSUMER LEASE ADVERTISING.—Section 184
2 of the Truth in Lending Act (15 U.S.C. 1667c) is amend-
3 ed—

4 (1) by striking subsections (a) and (c);

5 (2) by redesignating subsection (b) as sub-
6 section (c); and

7 (3) by inserting before subsection (c), as so re-
8 designated, the following:

9 “(a) IN GENERAL.—If an advertisement for a
10 consumer lease includes a statement of the amount of any
11 payment or a statement that any or no initial payment
12 is required, the advertisement shall clearly and conspicu-
13 ously state, as applicable—

14 “(1) the transaction advertised is a lease;

15 “(2) the total amount of any initial payments
16 required on or before consummation of the lease or
17 delivery of the property, whichever is later;

18 “(3) that a security deposit is required;

19 “(4) the number, amount, and timing of sched-
20 uled payments; and

21 “(5) with respect to a lease in which the liabil-
22 ity of the consumer at the end of the lease term is
23 based on the anticipated residual value of the prop-
24 erty, that an extra charge may be imposed at the
25 end of the lease term.

1 “(b) ADVERTISING MEDIUM NOT LIABLE.—No
 2 owner or employee of any entity that serves as a medium
 3 in which an advertisement appears or through which an
 4 advertisement is disseminated, shall be liable under this
 5 section.”.

6 **SEC. 606. STUDY OF CORPORATE CREDIT UNIONS.**

7 (a) DEFINITIONS.—For purposes of this section, the
 8 following definitions shall apply:

9 (1) ADMINISTRATION.—The term “Administra-
 10 tion” means the National Credit Union Administra-
 11 tion.

12 (2) BOARD.—The term “Board” means the Na-
 13 tional Credit Union Administration Board.

14 (3) CORPORATE CREDIT UNION.—The term
 15 “corporate credit union” has the meaning given such
 16 term by rule or regulation of the Board.

17 (4) FUND.—The term “Fund” means the Na-
 18 tional Credit Union Share Insurance Fund estab-
 19 lished under section 203 of the Federal Credit
 20 Union Act.

21 (5) SECRETARY.—The term “Secretary” means
 22 the Secretary of the Treasury.

23 (b) STUDY.—

24 (1) IN GENERAL.—The Secretary, in consulta-
 25 tion with the Board, the Corporation, the Comptrol-

1 ler of the Currency, and the Administration, shall
2 conduct a study and evaluation of—

3 (A) the oversight and supervisory practices
4 of the Administration concerning the Fund, in-
5 cluding the treatment of amounts deposited in
6 the Fund pursuant to section 202(c) of the
7 Federal Credit Union Act, including analysis
8 of—

9 (i) whether those amounts should
10 be—

11 (I) refundable; or

12 (II) treated as expenses; and

13 (ii) the use of those amounts in deter-
14 mining equity capital ratios;

15 (B) the potential for, and potential effects
16 of, administration of the Fund by an entity
17 other than the Administration;

18 (C) the 10 largest corporate credit unions
19 in the United States, conducted in cooperation
20 with appropriate employees of other Federal
21 agencies with expertise in the examination of
22 federally insured financial institutions, includ-
23 ing—

24 (i) the investment practices of those
25 credit unions; and

1 (ii) the financial stability, financial
2 operations, and financial controls of those
3 credit unions;

4 (D) the regulations of the Administration;
5 and

6 (E) the supervision of corporate credit
7 unions by the Administration.

8 (c) REPORT.—Not later than 12 months after the
9 date of enactment of this Act, the Secretary shall submit
10 to the appropriate committees of the Congress, a report
11 that includes the results of the study and evaluation con-
12 ducted under subsection (b), together with any rec-
13 ommendations that the Secretary considers to be appro-
14 priate.

15 **SEC. 607. REPORT ON THE RECONCILIATION OF DIF-**
16 **FERENCES BETWEEN REGULATORY AC-**
17 **COUNTING PRINCIPLES AND GENERALLY AC-**
18 **CEPTED ACCOUNTING PRINCIPLES.**

19 Not later than 180 days after the date of enactment
20 of this Act, each appropriate Federal banking agency shall
21 submit to the Committee on Banking and Financial Serv-
22 ices of the House of Representatives and the Committee
23 on Banking, Housing, and Urban Affairs of the Senate,
24 a report describing both the actions that have been taken
25 by the agency and the actions that will be taken by the

1 agency to eliminate or conform inconsistent or duplicative
2 accounting and reporting requirements applicable to re-
3 ports or statements filed with any such agency by insured
4 depository institutions, as required by section 121 of the
5 Federal Deposit Insurance Corporation Improvement Act
6 of 1991.

7 **SEC. 608. STATE-BY-STATE AND METROPOLITAN AREA-BY-**
8 **METROPOLITAN AREA STUDY OF BANK FEES.**

9 Section 1002(b)(2)(A) of the Financial Institutions
10 Reform, Recovery, and Enforcement Act of 1989 (12
11 U.S.C. 1811 note) is amended to read as follows:

12 “(A) a description of any discernible trend,
13 in the Nation as a whole, in each of the 50
14 States, and in each consolidated metropolitan
15 statistical area or primary metropolitan statis-
16 tical area (as defined by the Director of the Of-
17 fice of Management and Budget), in the cost
18 and availability of retail banking services (in-
19 cluding fees imposed for providing such serv-
20 ices), that delineates differences between in-
21 sured depository institutions on the basis of
22 both the size of the institution and any engage-
23 ment of the institution in multistate activity;
24 and”.

1 **SEC. 609. PROSPECTIVE APPLICATION OF GOLD CLAUSES**
2 **IN CONTRACTS.**

3 Section 5118(d)(2) of title 31, United States Code,
4 is amended by adding at the end the following: “This
5 paragraph shall apply to any obligation issued on or before
6 October 27, 1977, notwithstanding any assignment or no-
7 vation of such obligation after October 27, 1977, unless
8 all parties to the assignment or novation specifically agree
9 to include a gold clause in the new agreement. Nothing
10 in the preceding sentence shall be construed to affect the
11 enforceability of a Gold Clause contained in any obligation
12 issued after October 27, 1977 if the enforceability of that
13 Gold Clause has been finally adjudicated prior to the date
14 of enactment of the Economic Growth and Regulatory Pa-
15 perwork Reduction Act of 1996.”.

16 **SEC. 610. QUALIFIED FAMILY PARTNERSHIPS.**

17 Section 2 of the Bank Holding Company Act of 1956
18 (12 U.S.C. 1841) is amended—

19 (1) in subsection (b), by inserting “, and shall
20 not include a qualified family partnership” after “by
21 any State”; and

22 (2) in subsection (o), by adding at the end the
23 following:

24 “(10) QUALIFIED FAMILY PARTNERSHIP.—The
25 term ‘qualified family partnership’ means a general
26 or limited partnership that the Board determines—

1 “(A) does not directly control any bank,
2 except through a registered bank holding com-
3 pany;

4 “(B) does not control more than 1 reg-
5 istered bank holding company;

6 “(C) does not engage in any business ac-
7 tivity, except indirectly through ownership of
8 other business entities;

9 “(D) has no investments other than those
10 permitted for a bank holding company pursuant
11 to section 4(e);

12 “(E) is not obligated on any debt, either
13 directly or as a guarantor;

14 “(F) has partners, all of whom are ei-
15 ther—

16 “(i) individuals related to each other
17 by blood, marriage (including former mar-
18 riage), or adoption; or

19 “(ii) trusts for the primary benefit of
20 individuals related as described in clause
21 (i); and

22 “(G) has filed with the Board a statement
23 that includes—

24 “(i) the basis for the eligibility of the
25 partnership under subparagraph (F);

1 “(ii) a list of the existing activities
2 and investments of the partnership;

3 “(iii) a commitment to comply with
4 this paragraph;

5 “(iv) a commitment to comply with
6 section 7 of the Federal Deposit Insurance
7 Act with respect to any acquisition of con-
8 trol of an insured depository institution oc-
9 curring after date of enactment of this
10 paragraph; and

11 “(v) a commitment to be subject, to
12 the same extent as if the qualified family
13 partnership were a bank holding com-
14 pany—

15 “(I) to examination by the Board
16 to assure compliance with this para-
17 graph; and

18 “(II) to section 8 of the Federal
19 Deposit Insurance Act.”.

20 **SEC. 611. COOPERATIVE EFFORTS BETWEEN DEPOSITORY**
21 **INSTITUTIONS AND FARMERS AND RANCH-**
22 **ERS IN DROUGHT-STRICKEN AREAS.**

23 (a) FINDINGS.—The Congress hereby finds the fol-
24 lowing:

1 (1) Severe drought is being experienced in the
2 Plains and the Southwest portions of our country.

3 (2) Soil erosion is becoming a critical issue as
4 the dry season approaches and summer winds may
5 rob these fields of nutrient-rich topsoil.

6 (3) Without immediate assistance, ranchers and
7 farmers would be forced to cull their herds bringing
8 tremendous volatility in the beef market.

9 (4) The American people will feel the impact of
10 this drought in their pocketbooks through higher
11 prices for grain products.

12 (5) The communities in drought-stricken areas
13 are suffering and borrowers may have difficulty
14 meeting their obligations to financial institutions.

15 (6) Congress has already passed the Depository
16 Institutions Disaster Relief Act of 1992 which allows
17 financial institutions to make emergency exceptions
18 to the appraisal requirement in times of national dis-
19 asters.

20 (b) SENSE OF THE CONGRESS.—It is the sense of
21 the Congress that financial institutions and Federal bank
22 regulators should work cooperatively with farmers and
23 ranchers in communities affected by drought conditions to
24 allow financial obligations to be met without imposing
25 undue burdens.

1 **TITLE VII—DEPOSIT INSURANCE**
2 **FUNDS**

3 **SEC. 701. SHORT TITLE.**

4 This title may be cited as the “Deposit Insurance
5 Funds Act of 1996”.

6 **SEC. 702. SPECIAL ASSESSMENT TO CAPITALIZE SAIF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (f), the Board of Directors shall impose a special assess-
9 ment on the SAIF-assessable deposits of each insured de-
10 pository institution in accordance with assessment regula-
11 tions of the Corporation at a rate applicable to all such
12 institutions that the Board of Directors, in its sole discre-
13 tion, determines (after taking into account the adjust-
14 ments described in subsections (g), (h), and (j)) will cause
15 the Savings Association Insurance Fund to achieve the
16 designated reserve ratio on the first business day of the
17 1st month beginning after the date of the enactment of
18 this Act.

19 (b) FACTORS TO BE CONSIDERED.—In carrying out
20 subsection (a), the Board of Directors shall base its deter-
21 mination on—

22 (1) the monthly Savings Association Insurance
23 Fund balance most recently calculated;

24 (2) data on insured deposits reported in the
25 most recent reports of condition filed not later than

1 70 days before the date of enactment of this Act by
2 insured depository institutions; and

3 (3) any other factors that the Board of Direc-
4 tors deems appropriate.

5 (c) DATE OF DETERMINATION.—For purposes of
6 subsection (a), the amount of the SAIF-assessable depos-
7 its of an insured depository institution shall be determined
8 as of March 31, 1995.

9 (d) DATE PAYMENT DUE.—Except as provided in
10 subsection (g), the special assessment imposed under this
11 section shall be—

12 (1) due on the first business day of the 1st
13 month beginning after the date of the enactment of
14 this Act; and

15 (2) paid to the Corporation on the later of—

16 (A) the first business day of the 1st month
17 beginning after such date of enactment; or

18 (B) such other date as the Corporation
19 shall prescribe, but not later than 60 days after
20 the date of enactment of this Act.

21 (e) ASSESSMENT DEPOSITED IN SAIF.—Notwith-
22 standing any other provision of law, the proceeds of the
23 special assessment imposed under this section shall be de-
24 posited in the Savings Association Insurance Fund.

25 (f) EXEMPTIONS FOR CERTAIN INSTITUTIONS.—

1 (1) EXEMPTION FOR WEAK INSTITUTIONS.—
2 The Board of Directors may, by order, in its sole
3 discretion, exempt any insured depository institution
4 that the Board of Directors determines to be weak,
5 from paying the special assessment imposed under
6 this section if the Board of Directors determines
7 that the exemption would reduce risk to the Savings
8 Association Insurance Fund.

9 (2) GUIDELINES REQUIRED.—Not later than 30
10 days after the date of enactment of this Act, the
11 Board of Directors shall prescribe guidelines setting
12 forth the criteria that the Board of Directors will
13 use in exempting institutions under paragraph (1).
14 Such guidelines shall be published in the Federal
15 Register.

16 (3) EXEMPTION FOR CERTAIN NEWLY CHAR-
17 TERED AND OTHER DEFINED INSTITUTIONS.—

18 (A) IN GENERAL.—In addition to the insti-
19 tutions exempted from paying the special as-
20 sessment under paragraph (1), the Board of
21 Directors shall exempt any insured depository
22 institution from payment of the special assess-
23 ment if the institution—

1 (i) was in existence on October 1,
2 1995, and held no SAIF-assessable depos-
3 its before January 1, 1993;

4 (ii) is a Federal savings bank which—

5 (I) was established de novo in
6 April 1994 in order to acquire the de-
7 posits of a savings association which
8 was in default or in danger of default;
9 and

10 (II) received minority interim
11 capital assistance from the Resolution
12 Trust Corporation under section
13 21A(w) of the Federal Home Loan
14 Bank Act in connection with the ac-
15 quisition of any such savings associa-
16 tion; or

17 (iii) is a savings association, the de-
18 posits of which are insured by the Savings
19 Association Insurance Fund, which—

20 (I) before January 1, 1987, was
21 chartered as a Federal savings bank
22 insured by the Federal Savings and
23 Loan Insurance Corporation for the
24 purpose of acquiring all or substan-
25 tially all of the assets and assuming

1 all or substantially all of the deposit
 2 liabilities of a national bank in a
 3 transaction consummated after July
 4 1, 1986; and

5 (II) as of the date of that trans-
 6 action, had assets of less than
 7 \$150,000,000.

8 (B) DEFINITION.—For purposes of this
 9 paragraph, an institution shall be deemed to
 10 have held SAIF-assessable deposits before Jan-
 11 uary 1, 1993, if—

12 (i) it directly held SAIF-assessable de-
 13 posits before that date; or

14 (ii) it succeeded to, acquired, pur-
 15 chased, or otherwise holds any SAIF-as-
 16 sessable deposits as of the date of enact-
 17 ment of this Act that were SAIF-assess-
 18 able deposits before January 1, 1993.

19 (4) EXEMPT INSTITUTIONS REQUIRED TO PAY
 20 ASSESSMENTS AT FORMER RATES.—

21 (A) PAYMENTS TO SAIF AND DIF.—Any in-
 22 sured depository institution that the Board of
 23 Directors exempts under this subsection from
 24 paying the special assessment imposed under
 25 this section shall pay semiannual assessments—

1 (i) during calendar years 1996, 1997,
2 and 1998, into the Savings Association In-
3 surance Fund, based on SAIF-assessable
4 deposits of that institution, at assessment
5 rates calculated under the schedule in ef-
6 fect for Savings Association Insurance
7 Fund members on June 30, 1995; and

8 (ii) during calendar year 1999—

9 (I) into the Deposit Insurance
10 Fund, based on SAIF-assessable de-
11 posits of that institution as of Decem-
12 ber 31, 1998, at assessment rates cal-
13 culated under the schedule in effect
14 for Savings Association Insurance
15 Fund members on June 30, 1995; or

16 (II) in accordance with clause (i),
17 if the Bank Insurance Fund and the
18 Savings Association Insurance Fund
19 are not merged into the Deposit In-
20 surance Fund.

21 (B) OPTIONAL PRO RATA PAYMENT OF
22 SPECIAL ASSESSMENT.—This paragraph shall
23 not apply with respect to any insured depository
24 institution (or successor insured depository in-
25 stitution) that has paid, during any calendar

1 year from 1997 through 1999, upon such terms
 2 as the Corporation may announce, an amount
 3 equal to the product of—

4 (i) 16.7 percent of the special assess-
 5 ment that the institution would have been
 6 required to pay under subsection (a), if the
 7 Board of Directors had not exempted the
 8 institution; and

9 (ii) the number of full semiannual pe-
 10 riods remaining between the date of the
 11 payment and December 31, 1999.

12 (g) SPECIAL ELECTION FOR CERTAIN INSTITUTIONS
 13 FACING HARDSHIP AS A RESULT OF THE SPECIAL AS-
 14 SESSMENT.—

15 (1) ELECTION AUTHORIZED.—If—

16 (A) an insured depository institution, or
 17 any depository institution holding company
 18 which, directly or indirectly, controls such insti-
 19 tution, is subject to terms or covenants in any
 20 debt obligation or preferred stock outstanding
 21 on September 13, 1995; and

22 (B) the payment of the special assessment
 23 under subsection (a) would pose a significant
 24 risk of causing such depository institution or

1 holding company to default or violate any such
2 term or covenant,
3 the depository institution may elect, with the ap-
4 proval of the Corporation, to pay such special as-
5 sessment in accordance with paragraphs (2) and (3)
6 in lieu of paying such assessment in the manner re-
7 quired under subsection (a).

8 (2) 1ST ASSESSMENT.—An insured depository
9 institution which makes an election under paragraph
10 (1) shall pay an assessment in an amount equal to
11 50 percent of the amount of the special assessment
12 that would otherwise apply under subsection (a), by
13 the date on which such special assessment is payable
14 under subsection (d).

15 (3) 2D ASSESSMENT.—An insured depository
16 institution which makes an election under paragraph
17 (1) shall pay a 2d assessment, by the date estab-
18 lished by the Board of Directors in accordance with
19 paragraph (4), in an amount equal to the product of
20 51 percent of the rate determined by the Board of
21 Directors under subsection (a) for determining the
22 amount of the special assessment and the SAIF-as-
23 sessable deposits of the institution on March 31,
24 1996, or such other date in calendar year 1996 as
25 the Board of Directors determines to be appropriate.

1 (4) DUE DATE OF 2D ASSESSMENT.—The date
2 established by the Board of Directors for the pay-
3 ment of the assessment under paragraph (3) by a
4 depository institution shall be the earliest practicable
5 date which the Board of Directors determines to be
6 appropriate, which is at least 15 days after the date
7 used by the Board of Directors under paragraph (3).

8 (5) SUPPLEMENTAL SPECIAL ASSESSMENT.—
9 An insured depository institution which makes an
10 election under paragraph (1) shall pay a supple-
11 mental special assessment, at the same time the pay-
12 ment under paragraph (3) is made, in an amount
13 equal to the product of—

14 (A) 50 percent of the rate determined by
15 the Board of Directors under subsection (a) for
16 determining the amount of the special assess-
17 ment; and

18 (B) 95 percent of the amount by which the
19 SAIF-assessable deposits used by the Board of
20 Directors for determining the amount of the 1st
21 assessment under paragraph (2) exceeds, if any,
22 the SAIF-assessable deposits used by the Board
23 for determining the amount of the 2d assess-
24 ment under paragraph (3).

1 (h) ADJUSTMENT OF SPECIAL ASSESSMENT FOR
2 CERTAIN BANK INSURANCE FUND MEMBER BANKS.—

3 (1) IN GENERAL.—For purposes of computing
4 the special assessment imposed under this section
5 with respect to a Bank Insurance Fund member
6 bank, the amount of any deposits of any insured de-
7 pository institution which section 5(d)(3) of the Fed-
8 eral Deposit Insurance Act treats as insured by the
9 Savings Association Insurance Fund shall be re-
10 duced by 20 percent—

11 (A) if the adjusted attributable deposit
12 amount of the Bank Insurance Fund member
13 bank is less than 50 percent of the total domes-
14 tic deposits of that member bank as of June 30,
15 1995; or

16 (B) if, as of June 30, 1995, the Bank In-
17 surance Fund member—

18 (i) had an adjusted attributable de-
19 posit amount equal to less than 75 percent
20 of the total assessable deposits of that
21 member bank;

22 (ii) had total assessable deposits
23 greater than \$5,000,000,000; and

24 (iii) was owned or controlled by a
25 bank holding company that owned or con-

1 trolled insured depository institutions hav-
 2 ing an aggregate amount of deposits in-
 3 sured or treated as insured by the Bank
 4 Insurance Fund greater than the aggre-
 5 gate amount of deposits insured or treated
 6 as insured by the Savings Association In-
 7 surance Fund.

8 (2) ADJUSTED ATTRIBUTABLE DEPOSIT
 9 AMOUNT.—For purposes of this subsection, the “ad-
 10 justed attributable deposit amount” shall be deter-
 11 mined in accordance with section 5(d)(3)(C) of the
 12 Federal Deposit Insurance Act.

13 (i) ADJUSTMENT TO THE ADJUSTED ATTRIBUTABLE
 14 DEPOSIT AMOUNT FOR CERTAIN BANK INSURANCE FUND
 15 MEMBER BANKS.—Section 5(d)(3) of the Federal Deposit
 16 Insurance Act (12 U.S.C. 1815(d)(3)) is amended—

17 (1) in subparagraph (C), by striking “The ad-
 18 justed attributable deposit amount” and inserting
 19 “Except as provided in subparagraph (K), the ad-
 20 justed attributable deposit amount”; and

21 (2) by adding at the end the following new sub-
 22 paragraph:

23 “(K) ADJUSTMENT OF ADJUSTED ATTRIB-
 24 UTABLE DEPOSIT AMOUNT.—The amount deter-
 25 mined under subparagraph (C)(i) for deposits

1 acquired by March 31, 1995, shall be reduced
2 by 20 percent for purposes of computing the
3 adjusted attributable deposit amount for the
4 payment of any assessment for any semiannual
5 period that begins after the date of the enact-
6 ment of the Deposit Insurance Funds Act of
7 1996 (other than the special assessment im-
8 posed under section 702(a) of such Act), for a
9 Bank Insurance Fund member bank that, as of
10 June 30, 1995—

11 “(i) had an adjusted attributable de-
12 posit amount that was less than 50 percent
13 of the total deposits of that member bank;
14 or

15 “(ii)(I) had an adjusted attributable
16 deposit amount equal to less than 75 per-
17 cent of the total assessable deposits of that
18 member bank;

19 “(II) had total assessable deposits
20 greater than \$5,000,000,000; and

21 “(III) was owned or controlled by a
22 bank holding company that owned or con-
23 trolled insured depository institutions hav-
24 ing an aggregate amount of deposits in-
25 sured or treated as insured by the Bank

1 Insurance Fund greater than the aggre-
 2 gate amount of deposits insured or treated
 3 as insured by the Savings Association In-
 4 surance Fund.”.

5 (j) ADJUSTMENT OF SPECIAL ASSESSMENT FOR
 6 CERTAIN SAVINGS ASSOCIATIONS.—

7 (1) SPECIAL ASSESSMENT REDUCTION.—For
 8 purposes of computing the special assessment im-
 9 posed under this section, in the case of any con-
 10 verted association, the amount of any deposits of
 11 such association which were insured by the Savings
 12 Association Insurance Fund as of March 31, 1995,
 13 shall be reduced by 20 percent.

14 (2) CONVERTED ASSOCIATION.—For purposes
 15 of this subsection, the term “converted association”
 16 means—

17 (A) any Federal savings association—

18 (i) that is a member of the Savings
 19 Association Insurance Fund and that has
 20 deposits subject to assessment by that
 21 fund which did not exceed \$4,000,000,000,
 22 as of March 31, 1995; and

23 (ii) that had been, or is a successor by
 24 merger, acquisition, or otherwise to an in-
 25 stitution that had been, a State savings

1 bank, the deposits of which were insured
2 by the Federal Deposit Insurance Corpora-
3 tion before August 9, 1989, that converted
4 to a Federal savings association pursuant
5 to section 5(i) of the Home Owners' Loan
6 Act before January 1, 1985;

7 (B) a State depository institution that is a
8 member of the Savings Association Insurance
9 Fund that had been a State savings bank be-
10 fore October 15, 1982, and was a Federal sav-
11 ings association on August 9, 1989;

12 (C) an insured bank that—

13 (i) was established de novo in order to
14 acquire the deposits of a savings associa-
15 tion in default or in danger of default;

16 (ii) did not open for business before
17 acquiring the deposits of such savings as-
18 sociation; and

19 (iii) was a Savings Association Insur-
20 ance Fund member before the date of en-
21 actment of this Act; and

22 (D) an insured bank that—

23 (i) resulted from a savings association
24 before December 19, 1991, in accordance

1 with section 5(d)(2)(G) of the Federal De-
2 posit Insurance Act; and

3 (ii) had an increase in its capital in
4 conjunction with the conversion in an
5 amount equal to more than 75 percent of
6 the capital of the institution on the day be-
7 fore the date of the conversion.

8 **SEC. 703. FINANCING CORPORATION FUNDING.**

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

11 (1) in subsection (f)(2)—

12 (A) in the matter immediately preceding
13 subparagraph (A)—

14 (i) by striking “To the extent the
15 amounts available pursuant to paragraph
16 (1) are insufficient to cover the amount of
17 interest payments, issuance costs, and cus-
18 todial fees,” and inserting “In addition to
19 the amounts obtained pursuant to para-
20 graph (1),”;

21 (ii) by striking “Savings Association
22 Insurance Fund member” and inserting
23 “insured depository institution”; and

24 (iii) by striking “members” and in-
25 serting “institutions”; and

1 (B) by striking “, except that—” and all
2 that follows through the end of the paragraph
3 and inserting “, except that—

4 “(A) the assessments imposed on insured
5 depository institutions with respect to any BIF-
6 assessable deposit shall be assessed at a rate
7 equal to $\frac{1}{5}$ of the rate of the assessments im-
8 posed on insured depository institutions with
9 respect to any SAIF-assessable deposit; and

10 “(B) no limitation under clause (i) or (iii)
11 of section 7(b)(2)(A) of the Federal Deposit In-
12 surance Act shall apply for purposes of this
13 paragraph.”; and

14 (2) in subsection (k)—

15 (A) by striking “section—” and inserting
16 “section, the following definitions shall apply:”;

17 (B) by striking paragraph (1);

18 (C) by redesignating paragraphs (2) and
19 (3) as paragraphs (1) and (2), respectively; and

20 (D) by adding at the end the following new
21 paragraphs:

22 “(3) INSURED DEPOSITORY INSTITUTION.—The
23 term ‘insured depository institution’ has the same
24 meaning as in section 3 of the Federal Deposit In-
25 surance Act

1 “(4) DEPOSIT TERMS.—

2 “(A) BIF-ASSESSABLE DEPOSITS.—The
3 term ‘BIF-assessable deposit’ means a deposit
4 that is subject to assessment for purposes of
5 the Bank Insurance Fund under the Federal
6 Deposit Insurance Act (including a deposit that
7 is treated as a deposit insured by the Bank In-
8 surance Fund under section 5(d)(3) of the Fed-
9 eral Deposit Insurance Act).

10 “(B) SAIF-ASSESSABLE DEPOSIT.—The
11 term ‘SAIF-assessable deposit’ has the meaning
12 given to such term in section 710 of the De-
13 posit Insurance Funds Act of 1996.”.

14 (b) CONFORMING AMENDMENT.—Section 7(b)(2) of
15 the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2))
16 is amended by striking subparagraph (D).

17 (c) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Subsections (a) and (b) and
19 the amendments made by such subsections shall
20 apply with respect to semiannual periods which
21 begin after December 31, 1996.

22 (2) TERMINATION OF CERTAIN ASSESSMENT
23 RATES.—Subparagraph (A) of section 21(f)(2) of
24 the Federal Home Loan Bank Act (as amended by
25 subsection (a)) shall not apply after the earlier of—

1 (A) December 31, 1999; or

2 (B) the date as of which the last savings
3 association ceases to exist.

4 (d) PROHIBITION ON DEPOSIT SHIFTING.—

5 (1) IN GENERAL.—Effective as of the date of
6 the enactment of this Act and ending on the date
7 provided in subsection (c)(2) of this section, the
8 Comptroller of the Currency, the Board of Directors,
9 the Board of Governors of the Federal Reserve Sys-
10 tem, and the Director of the Office of Thrift Super-
11 vision shall take appropriate actions, including en-
12 forcement actions, denial of applications, or imposi-
13 tion of entrance and exit fees as if such transactions
14 qualified as conversion transactions pursuant to sec-
15 tion 5(d) of the Federal Deposit Insurance Act, to
16 prevent insured depository institutions and depository
17 institution holding companies from facilitating
18 or encouraging the shifting of deposits from SAIF-
19 assessable deposits to BIF-assessable deposits (as
20 defined in section 21(k) of the Federal Home Loan
21 Bank Act) for the purpose of evading the assess-
22 ments imposed on insured depository institutions
23 with respect to SAIF-assessable deposits under sec-
24 tion 7(b) of the Federal Deposit Insurance Act and

1 section 21(f)(2) of the Federal Home Loan Bank
2 Act.

3 (2) REGULATIONS.—The Board of Directors
4 may issue regulations, including regulations defining
5 terms used in paragraph (1), to prevent the shifting
6 of deposits described in such paragraph.

7 (3) RULE OF CONSTRUCTION.—No provision of
8 this subsection shall be construed as prohibiting con-
9 duct or activity of any insured depository institution
10 which—

11 (A) is undertaken in the ordinary course of
12 business of such depository institution; and

13 (B) is not directed towards the depositors
14 of an insured depository institution affiliate (as
15 defined in section 2(k) of the Bank Holding
16 Company Act of 1956) of such depository insti-
17 tution.

18 **SEC. 704. MERGER OF BIF AND SAIF.**

19 (a) IN GENERAL.—

20 (1) MERGER.—The Bank Insurance Fund and
21 the Savings Association Insurance Fund shall be
22 merged into the Deposit Insurance Fund established
23 by section 11(a)(4) of the Federal Deposit Insurance
24 Act, as amended by this section.

1 (2) DISPOSITION OF ASSETS AND LIABIL-
2 ITIES.—All assets and liabilities of the Bank Insur-
3 ance Fund and the Savings Association Insurance
4 Fund shall be transferred to the Deposit Insurance
5 Fund.

6 (3) NO SEPARATE EXISTENCE.—The separate
7 existence of the Bank Insurance Fund and the Sav-
8 ings Association Insurance Fund shall cease.

9 (b) SPECIAL RESERVE OF THE DEPOSIT INSURANCE
10 FUND.—

11 (1) IN GENERAL.—Immediately before the
12 merger of the Bank Insurance Fund and the Sav-
13 ings Association Insurance Fund, if the reserve ratio
14 of the Savings Association Insurance Fund exceeds
15 the designated reserve ratio, the amount by which
16 that reserve ratio exceeds the designated reserve
17 ratio shall be placed in the Special Reserve of the
18 Deposit Insurance Fund, established under section
19 11(a)(5) of the Federal Deposit Insurance Act, as
20 amended by this section.

21 (2) DEFINITION.—For purposes of this sub-
22 section, the term “reserve ratio” means the ratio of
23 the net worth of the Savings Association Insurance
24 Fund to the aggregate estimated amount of deposits
25 insured by the Savings Association Insurance Fund.

1 (c) EFFECTIVE DATE.—This section and the amend-
 2 ments made by this section shall become effective on Janu-
 3 ary 1, 1999, if no insured depository institution is a sav-
 4 ings association on that date.

5 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) DEPOSIT INSURANCE FUND.—Section
 7 11(a)(4) of the Federal Deposit Insurance Act (12
 8 U.S.C. 1821(a)(4)) is amended—

9 (A) by redesignating subparagraph (B) as
 10 subparagraph (C);

11 (B) by striking subparagraph (A) and in-
 12 serting the following:

13 “(A) ESTABLISHMENT.—There is estab-
 14 lished the Deposit Insurance Fund, which the
 15 Corporation shall—

16 “(i) maintain and administer;

17 “(ii) use to carry out its insurance
 18 purposes in the manner provided by this
 19 subsection; and

20 “(iii) invest in accordance with section
 21 13(a).

22 “(B) USES.—The Deposit Insurance Fund
 23 shall be available to the Corporation for use
 24 with respect to Deposit Insurance Fund mem-
 25 bers.”; and

1 (C) by striking “(4) GENERAL PROVISIONS
2 RELATING TO FUNDS.—” and inserting the fol-
3 lowing:

4 “(4) ESTABLISHMENT OF THE DEPOSIT INSUR-
5 ANCE FUND.—”.

6 (2) OTHER REFERENCES.—Section 11(a)(4)(C)
7 of the Federal Deposit Insurance Act (12 U.S.C.
8 1821(a)(4)(C), as redesignated by paragraph (1) of
9 this subsection) is amended by striking “Bank In-
10 surance Fund and the Savings Association Insur-
11 ance Fund” and inserting “Deposit Insurance
12 Fund”.

13 (3) DEPOSITS INTO FUND.—Section 11(a)(4) of
14 the Federal Deposit Insurance Act (12 U.S.C.
15 1821(a)(4)) is amended by adding at the end the
16 following new subparagraph:

17 “(D) DEPOSITS.—All amounts assessed
18 against insured depository institutions by the
19 Corporation shall be deposited in the Deposit
20 Insurance Fund.”.

21 (4) SPECIAL RESERVE OF DEPOSITS.—Section
22 11(a)(5) of the Federal Deposit Insurance Act (12
23 U.S.C. 1821(a)(5)) is amended to read as follows:

24 “(5) SPECIAL RESERVE OF DEPOSIT INSUR-
25 ANCE FUND.—

1 “(A) ESTABLISHMENT.—

2 “ (i) IN GENERAL.—There is estab-
3 lished a Special Reserve of the Deposit In-
4 surance Fund, which shall be administered
5 by the Corporation and shall be invested in
6 accordance with section 13(a).

7 “ (ii) LIMITATION.—The Corporation
8 shall not provide any assessment credit, re-
9 fund, or other payment from any amount
10 in the Special Reserve.

11 “(B) EMERGENCY USE OF SPECIAL RE-
12 SERVE.—Notwithstanding subparagraph (A)(ii),
13 the Corporation may, in its sole discretion,
14 transfer amounts from the Special Reserve to
15 the Deposit Insurance Fund, for the purposes
16 set forth in paragraph (4), only if—

17 “(i) the reserve ratio of the Deposit
18 Insurance Fund is less than 50 percent of
19 the designated reserve ratio; and

20 “(ii) the Corporation expects the re-
21 serve ratio of the Deposit Insurance Fund
22 to remain at less than 50 percent of the
23 designated reserve ratio for each of the
24 next 4 calendar quarters.

1 “(C) EXCLUSION OF SPECIAL RESERVE IN
2 CALCULATING RESERVE RATIO.—Notwithstand-
3 ing any other provision of law, any amounts in
4 the Special Reserve shall be excluded in cal-
5 culating the reserve ratio of the Deposit Insur-
6 ance Fund under section 7.”.

7 (5) FEDERAL HOME LOAN BANK ACT.—Section
8 21B(f)(2)(C)(ii) of the Federal Home Loan Bank
9 Act (12 U.S.C. 1441b(f)(2)(C)(ii)) is amended—

10 (A) in subclause (I), by striking “to Sav-
11 ings Associations Insurance Fund members”
12 and inserting “to insured depository institu-
13 tions, and their successors, which were Savings
14 Association Insurance Fund members on Sep-
15 tember 1, 1995”; and

16 (B) in subclause (II), by striking “to Sav-
17 ings Associations Insurance Fund members”
18 and inserting “to insured depository institu-
19 tions, and their successors, which were Savings
20 Association Insurance Fund members on Sep-
21 tember 1, 1995”.

22 (6) REPEALS.—

23 (A) SECTION 3.—Section 3(y) of the Fed-
24 eral Deposit Insurance Act (12 U.S.C. 1813(y))
25 is amended to read as follows:

1 “(y) DEFINITIONS RELATING TO THE DEPOSIT IN-
2 SURANCE FUND.—

3 “(1) DEPOSIT INSURANCE FUND.—The term
4 ‘Deposit Insurance Fund’ means the fund estab-
5 lished under section 11(a)(4).

6 “(2) RESERVE RATIO.—The term ‘reserve ratio’
7 means the ratio of the net worth of the Deposit In-
8 surance Fund to aggregate estimated insured depos-
9 its held in all insured depository institutions.

10 “(3) DESIGNATED RESERVE RATIO.—The des-
11 ignated reserve ratio of the Deposit Insurance Fund
12 for each year shall be—

13 “(A) 1.25 percent of estimated insured de-
14 posits; or

15 “(B) a higher percentage of estimated in-
16 sured deposits that the Board of Directors de-
17 termines to be justified for that year by cir-
18 cumstances raising a significant risk of sub-
19 stantial future losses to the fund.”.

20 (B) SECTION 7.—Section 7 of the Federal
21 Deposit Insurance Act (12 U.S.C. 1817) is
22 amended—

23 (i) by striking subsection (l);

1 (ii) by redesignating subsections (m)
 2 and (n) as subsections (l) and (m), respec-
 3 tively;

4 (iii) in subsection (b)(2), by striking
 5 subparagraphs (B) and (F), and by redesi-
 6 gnating subparagraphs (C), (E), (G), and
 7 (H) as subparagraphs (B) through (E), re-
 8 spectively.

9 (C) SECTION 11.—Section 11(a) of the
 10 Federal Deposit Insurance Act (12 U.S.C.
 11 1821(a)) is amended—

12 (i) by striking paragraphs (6) and (7);
 13 and

14 (ii) by redesignating paragraph (8) as
 15 paragraph (6).

16 (7) SECTION 5136 OF THE REVISED STAT-
 17 UTES.—The paragraph designated the “Eleventh” of
 18 section 5136 of the Revised Statutes (12 U.S.C. 24)
 19 is amended in the 5th sentence, by striking “affected
 20 deposit insurance fund” and inserting “Deposit In-
 21 surance Fund”.

22 (8) INVESTMENTS PROMOTING PUBLIC WEL-
 23 FARE; LIMITATIONS ON AGGREGATE INVEST-
 24 MENTS.—The 23d undesignated paragraph of sec-
 25 tion 9 of the Federal Reserve Act (12 U.S.C. 338a)

1 is amended in the 4th sentence, by striking “affected
2 deposit insurance fund” and inserting “Deposit In-
3 surance Fund”.

4 (9) ADVANCES TO CRITICALLY UNDERCAPITAL-
5 IZED DEPOSITORY INSTITUTIONS.—Section
6 10B(b)(3)(A)(ii) of the Federal Reserve Act (12
7 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking
8 “any deposit insurance fund in” and inserting “the
9 Deposit Insurance Fund of”.

10 (10) AMENDMENTS TO THE BALANCED BUDGET
11 AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—
12 Section 255(g)(1)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985 (2 U.S.C.
14 905(g)(1)(A)) is amended—

15 (A) by striking “Bank Insurance Fund”
16 and inserting “Deposit Insurance Fund”; and

17 (B) by striking “Federal Deposit Insur-
18 ance Corporation, Savings Association Insur-
19 ance Fund;”.

20 (11) FURTHER AMENDMENTS TO THE FEDERAL
21 HOME LOAN BANK ACT.—The Federal Home Loan
22 Bank Act (12 U.S.C. 1421 et seq.) is amended—

23 (A) in section 11(k) (12 U.S.C.
24 1431(k))—

1 (i) in the subsection heading, by strik-
2 ing “SAIF” and inserting “THE DEPOSIT
3 INSURANCE FUND”; and

4 (ii) by striking “Savings Association
5 Insurance Fund” each place such term ap-
6 pears and inserting “Deposit Insurance
7 Fund”;

8 (B) in section 21A(b)(4)(B) (12 U.S.C.
9 1441a(b)(4)(B)), by striking “affected deposit
10 insurance fund” and inserting “Deposit Insur-
11 ance Fund”;

12 (C) in section 21A(b)(6)(B) (12 U.S.C.
13 1441a(b)(6)(B))—

14 (i) in the subparagraph heading, by
15 striking “SAIF-INSURED BANKS” and in-
16 serting “CHARTER CONVERSIONS”; and

17 (ii) by striking “Savings Association
18 Insurance Fund member” and inserting
19 “savings association”;

20 (D) in section 21A(b)(10)(A)(iv)(II) (12
21 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking
22 “Savings Association Insurance Fund” and in-
23 serting “Deposit Insurance Fund”;

24 (E) in section 21B(e) (12 U.S.C.
25 1441b(e))—

1 (i) in paragraph (5), by inserting “as
2 of the date of funding” after “Savings As-
3 sociation Insurance Fund members” each
4 place such term appears;

5 (ii) by striking paragraph (7); and

6 (iii) by redesignating paragraph (8) as
7 paragraph (7); and

8 (F) in section 21B(k) (12 U.S.C.
9 1441b(k))—

10 (i) by striking paragraph (8); and

11 (ii) by redesignating paragraphs (9)
12 and (10) as paragraphs (8) and (9), re-
13 spectively.

14 (12) AMENDMENTS TO THE HOME OWNERS’
15 LOAN ACT.—The Home Owners’ Loan Act (12
16 U.S.C. 1461 et seq.) is amended—

17 (A) in section 5 (12 U.S.C. 1464)—

18 (i) in subsection (c)(5)(A), by striking
19 “that is a member of the Bank Insurance
20 Fund”;

21 (ii) in subsection (c)(6), by striking
22 “As used in this subsection—” and insert-
23 ing “For purposes of this subsection, the
24 following definitions shall apply:”;

1 (iii) in subsection (o)(1), by striking
2 “that is a Bank Insurance Fund member”;

3 (iv) in subsection (o)(2)(A), by strik-
4 ing “a Bank Insurance Fund member until
5 such time as it changes its status to a Sav-
6 ings Association Insurance Fund member”
7 and inserting “insured by the Deposit In-
8 surance Fund”;

9 (v) in subsection (t)(5)(D)(iii)(II), by
10 striking “affected deposit insurance fund”
11 and inserting “Deposit Insurance Fund”;

12 (vi) in subsection (t)(7)(C)(i)(I), by
13 striking “affected deposit insurance fund”
14 and inserting “Deposit Insurance Fund”;
15 and

16 (vii) in subsection (v)(2)(A)(i), by
17 striking “, the Savings Association Insur-
18 ance Fund” and inserting “or the Deposit
19 Insurance Fund”; and

20 (B) in section 10 (12 U.S.C. 1467a)—

21 (i) in subsection (e)(1)(A)(iii)(VII), by
22 adding “or” at the end;

23 (ii) in subsection (e)(1)(A)(iv), by
24 adding “and” at the end;

1 (iii) in subsection (e)(1)(B), by strik-
2 ing “Savings Association Insurance Fund
3 or Bank Insurance Fund” and inserting
4 “Deposit Insurance Fund”;

5 (iv) in subsection (e)(2), by striking
6 “Savings Association Insurance Fund or
7 the Bank Insurance Fund” and inserting
8 “Deposit Insurance Fund”; and

9 (v) in subsection (m)(3), by striking
10 subparagraph (E), and by redesignating
11 subparagraphs (F), (G), and (H) as sub-
12 paragraphs (E), (F), and (G), respectively.

13 (13) AMENDMENTS TO THE NATIONAL HOUSING
14 ACT.—The National Housing Act (12 U.S.C. 1701
15 et seq.) is amended—

16 (A) in section 317(b)(1)(B) (12 U.S.C.
17 1723i(b)(1)(B)), by striking “Bank Insurance
18 Fund for banks or through the Savings Asso-
19 ciation Insurance Fund for savings associa-
20 tions” and inserting “Deposit Insurance Fund”;
21 and

22 (B) in section 526(b)(1)(B)(ii) (12 U.S.C.
23 1735f–14(b)(1)(B)(ii)), by striking “Bank In-
24 surance Fund for banks and through the Sav-
25 ings Association Insurance Fund for savings as-

1 sociations” and inserting “Deposit Insurance
2 Fund”.

3 (14) FURTHER AMENDMENTS TO THE FEDERAL
4 DEPOSIT INSURANCE ACT.—The Federal Deposit In-
5 surance Act (12 U.S.C. 1811 et seq.) is amended—

6 (A) in section 3(a)(1) (12 U.S.C.
7 1813(a)(1)), by striking subparagraph (B) and
8 inserting the following:

9 “(B) includes any former savings associa-
10 tion.”;

11 (B) in section 5(b)(5) (12 U.S.C.
12 1815(b)(5)), by striking “the Bank Insurance
13 Fund or the Savings Association Insurance
14 Fund;” and inserting “Deposit Insurance
15 Fund,”;

16 (C) in section 5(d) (12 U.S.C. 1815(d)),
17 by striking paragraphs (2) and (3);

18 (D) in section 5(d)(1) (12 U.S.C.
19 1815(d)(1))—

20 (i) in subparagraph (A), by striking
21 “reserve ratios in the Bank Insurance
22 Fund and the Savings Association Insur-
23 ance Fund” and inserting “the reserve
24 ratio of the Deposit Insurance Fund”;

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(2) FEE CREDITED TO THE DEPOSIT INSUR-
4 ANCE FUND.—The fee paid by the depository insti-
5 tution under paragraph (1) shall be credited to the
6 Deposit Insurance Fund.”;

7 (iii) by striking “(1) UNINSURED IN-
8 STITUTIONS.—”; and

9 (iv) by redesignating subparagraphs
10 (A) and (C) as paragraphs (1) and (3), re-
11 spectively, and moving the margins 2 ems
12 to the left;

13 (E) in section 5(e) (12 U.S.C. 1815(e))—

14 (i) in paragraph (5)(A), by striking
15 “Bank Insurance Fund or the Savings As-
16 sociation Insurance Fund” and inserting
17 “Deposit Insurance Fund”;

18 (ii) by striking paragraph (6); and

19 (iii) by redesignating paragraphs (7),
20 (8), and (9) as paragraphs (6), (7), and
21 (8), respectively;

22 (F) in section 6(5) (12 U.S.C. 1816(5)),
23 by striking “Bank Insurance Fund or the Sav-
24 ings Association Insurance Fund” and inserting
25 “Deposit Insurance Fund”;

- 1 (G) in section 7(b) (12 U.S.C. 1817(b))—
- 2 (i) in paragraph (1)(D), by striking
- 3 “each deposit insurance fund” and insert-
- 4 ing “the Deposit Insurance Fund”;
- 5 (ii) in clauses (i)(I) and (iv) of para-
- 6 graph (2)(A), by striking “each deposit in-
- 7 surance fund” each place such term ap-
- 8 pears and inserting “the Deposit Insurance
- 9 Fund”;
- 10 (iii) in paragraph (2)(A)(iii), by strik-
- 11 ing “a deposit insurance fund” and insert-
- 12 ing “the Deposit Insurance Fund”;
- 13 (iv) by striking clause (iv) of para-
- 14 graph (2)(A);
- 15 (v) in paragraph (2)(C) (as redesign-
- 16 ated by paragraph (6)(B) of this sub-
- 17 section)—
- 18 (I) by striking “any deposit in-
- 19 surance fund” and inserting “the De-
- 20 posit Insurance Fund”; and
- 21 (II) by striking “that fund” each
- 22 place such term appears and inserting
- 23 “the Deposit Insurance Fund”;

1 (vi) in paragraph (2)(D) (as redesignated by paragraph (6)(B) of this subsection)—

2 (I) in the subparagraph heading, by striking “FUNDS ACHIEVE” and inserting “FUND ACHIEVES”; and

3 (II) by striking “a deposit insurance fund” and inserting “the Deposit Insurance Fund”;

4 (vii) in paragraph (3)—

5 (I) in the paragraph heading, by striking “FUNDS” and inserting “FUND”;

6 (II) by striking “members of that fund” where such term appears in the portion of subparagraph (A) which precedes clause (i) of such subparagraph and inserting “insured depository institutions”;

7 (III) by striking “that fund” each place such term appears and inserting “the Deposit Insurance Fund”;

1 (IV) in subparagraph (A), by
2 striking “Except as provided in para-
3 graph (2)(F), if” and inserting “If”;

4 (V) in subparagraph (A), by
5 striking “any deposit insurance fund”
6 and inserting “the Deposit Insurance
7 Fund”; and

8 (VI) by striking subparagraphs
9 (C) and (D) and inserting the follow-
10 ing:

11 “(C) AMENDING SCHEDULE.—The Cor-
12 poration may, by regulation, amend a schedule
13 promulgated under subparagraph (B).”; and

14 (viii) in paragraph (6)—

15 (I) by striking “any such assess-
16 ment” and inserting “any such assess-
17 ment is necessary”;

18 (II) by striking “(A) is nec-
19 essary—”;

20 (III) by striking subparagraph
21 (B);

22 (IV) by redesignating clauses (i),
23 (ii), and (iii) as subparagraphs (A),
24 (B), and (C), respectively, and moving
25 the margins 2 ems to the left; and

1 (V) in subparagraph (C) (as re-
2 designated), by striking “; and” and
3 inserting a period;

4 (H) in section 11(f)(1) (12 U.S.C.
5 1821(f)(1)), by striking “, except that—” and
6 all that follows through the end of the para-
7 graph and inserting a period;

8 (I) in section 11(i)(3) (12 U.S.C.
9 1821(i)(3))—

10 (i) by striking subparagraph (B);

11 (ii) by redesignating subparagraph
12 (C) as subparagraph (B); and

13 (iii) in subparagraph (B) (as redesign-
14 ated), by striking “subparagraphs (A)
15 and (B)” and inserting “subparagraph
16 (A)”;

17 (J) in section 11A(a) (12 U.S.C.
18 1821a(a))—

19 (i) in paragraph (2), by striking “LI-
20 ABILITIES.—” and all that follows through
21 “Except” and inserting “LIABILITIES.—
22 Except”;

23 (ii) by striking paragraph (2)(B); and

24 (iii) in paragraph (3), by striking “the
25 Bank Insurance Fund, the Savings Asso-

1 ciation Insurance Fund,” and inserting
2 “the Deposit Insurance Fund”;

3 (K) in section 11A(b) (12 U.S.C.
4 1821a(b)), by striking paragraph (4);

5 (L) in section 11A(f) (12 U.S.C.
6 1821a(f)), by striking “Savings Association In-
7 surance Fund” and inserting “Deposit Insur-
8 ance Fund”;

9 (M) in section 13 (12 U.S.C. 1823)—

10 (i) in subsection (a)(1), by striking
11 “Bank Insurance Fund, the Savings Asso-
12 ciation Insurance Fund,” and inserting
13 “Deposit Insurance Fund, the Special Re-
14 serve of the Deposit Insurance Fund,”;

15 (ii) in subsection (c)(4)(E)—

16 (I) in the subparagraph heading,
17 by striking “FUNDS” and inserting
18 “FUND”; and

19 (II) in clause (i), by striking
20 “any insurance fund” and inserting
21 “the Deposit Insurance Fund”;

22 (iii) in subsection (c)(4)(G)(ii)—

23 (I) by striking “appropriate in-
24 surance fund” and inserting “Deposit
25 Insurance Fund”;

- 1 (II) by striking “the members of
2 the insurance fund (of which such in-
3 stitution is a member)” and inserting
4 “insured depository institutions”;
- 5 (III) by striking “each mem-
6 ber’s” and inserting “each insured de-
7 pository institution’s”; and
- 8 (IV) by striking “the member’s”
9 each place such term appears and in-
10 serting “the institution’s”;
- 11 (iv) in subsection (c), by striking
12 paragraph (11);
- 13 (v) in subsection (h), by striking
14 “Bank Insurance Fund” and inserting
15 “Deposit Insurance Fund”;
- 16 (vi) in subsection (k)(4)(B)(i), by
17 striking “Savings Association Insurance
18 Fund” and inserting “Deposit Insurance
19 Fund”; and
- 20 (vii) in subsection (k)(5)(A), by strik-
21 ing “Savings Association Insurance Fund”
22 and inserting “Deposit Insurance Fund”;
- 23 (N) in section 14(a) (12 U.S.C. 1824(a))
24 in the 5th sentence—

1 (i) by striking “Bank Insurance Fund
2 or the Savings Association Insurance
3 Fund” and inserting “Deposit Insurance
4 Fund”; and

5 (ii) by striking “each such fund” and
6 inserting “the Deposit Insurance Fund”;

7 (O) in section 14(b) (12 U.S.C. 1824(b)),
8 by striking “Bank Insurance Fund or Savings
9 Association Insurance Fund” and inserting
10 “Deposit Insurance Fund”;

11 (P) in section 14(c) (12 U.S.C. 1824(c)),
12 by striking paragraph (3);

13 (Q) in section 14(d) (12 U.S.C.
14 1824(d))—

15 (i) by striking “BIF” each place such
16 term appears and inserting “DIF”; and

17 (ii) by striking “Bank Insurance
18 Fund” each place such term appears and
19 inserting “Deposit Insurance Fund”;

20 (R) in section 15(c)(5) (12 U.S.C.
21 1825(c)(5))—

22 (i) by striking “the Bank Insurance
23 Fund or Savings Association Insurance
24 Fund, respectively” each place such term

1 appears and inserting “the Deposit Insur-
2 ance Fund”; and

3 (ii) in subparagraph (B), by striking
4 “the Bank Insurance Fund or the Savings
5 Association Insurance Fund, respectively”
6 and inserting “the Deposit Insurance
7 Fund”;

8 (S) in section 17(a) (12 U.S.C. 1827(a))—

9 (i) in the subsection heading, by strik-
10 ing “BIF, SAIF,” and inserting “THE DE-
11 POSIT INSURANCE FUND”; and

12 (ii) in paragraph (1), by striking “the
13 Bank Insurance Fund, the Savings Asso-
14 ciation Insurance Fund,” each place such
15 term appears and inserting “the Deposit
16 Insurance Fund”;

17 (T) in section 17(d) (12 U.S.C. 1827(d)),
18 by striking “the Bank Insurance Fund, the
19 Savings Association Insurance Fund,” each
20 place such term appears and inserting “the De-
21 posit Insurance Fund”;

22 (U) in section 18(m)(3) (12 U.S.C.
23 1828(m)(3))—

24 (i) by striking “Savings Association
25 Insurance Fund” each place such term ap-

1 pears and inserting “Deposit Insurance
2 Fund”; and

3 (ii) in subparagraph (C), by striking
4 “or the Bank Insurance Fund”;

5 (V) in section 18(p) (12 U.S.C. 1828(p)),
6 by striking “deposit insurance funds” and in-
7 serting “Deposit Insurance Fund”;

8 (W) in section 24 (12 U.S.C. 1831a) in
9 subsections (a)(1) and (d)(1)(A), by striking
10 “appropriate deposit insurance fund” each
11 place such term appears and inserting “Deposit
12 Insurance Fund”;

13 (X) in section 28 (12 U.S.C. 1831e), by
14 striking “affected deposit insurance fund” each
15 place such term appears and inserting “Deposit
16 Insurance Fund”;

17 (Y) by striking section 31 (12 U.S.C.
18 1831h);

19 (Z) in section 36(i)(3) (12 U.S.C.
20 1831m(i)(3)) by striking “affected deposit in-
21 surance fund” and inserting “Deposit Insur-
22 ance Fund”;

23 (AA) in section 38(a) (12 U.S.C.
24 1831o(a)) in the subsection heading, by striking
25 “FUNDS” and inserting “FUND”;

1 (BB) in section 38(k) (12 U.S.C.
2 1831o(k))—

3 (i) in paragraph (1), by striking “a
4 deposit insurance fund” and inserting “the
5 Deposit Insurance Fund”; and

6 (ii) in paragraph (2)(A)—

7 (I) by striking “A deposit insur-
8 ance fund” and inserting “The De-
9 posit Insurance Fund”; and

10 (II) by striking “the deposit in-
11 surance fund’s outlays” and inserting
12 “the outlays of the Deposit Insurance
13 Fund”; and

14 (CC) in section 38(o) (12 U.S.C.
15 1831o(o))—

16 (i) by striking “ASSOCIATIONS.—”
17 and all that follows through “Subsections
18 (e)(2)” and inserting “ASSOCIATIONS.—
19 Subsections (e)(2)”;

20 (ii) by redesignating subparagraphs
21 (A), (B), and (C) as paragraphs (1), (2),
22 and (3), respectively, and moving the mar-
23 gins 2 ems to the left; and

24 (iii) in paragraph (1) (as redesign-
25 nated), by redesignating clauses (i) and (ii)

1 as subparagraphs (A) and (B), respec-
2 tively, and moving the margins 2 ems to
3 the left.

4 (15) AMENDMENTS TO THE FINANCIAL INSTI-
5 TUTIONS REFORM, RECOVERY, AND ENFORCEMENT
6 ACT OF 1989.—The Financial Institutions Reform,
7 Recovery, and Enforcement Act (Public Law 101–
8 73; 103 Stat. 183) is amended—

9 (A) in section 951(b)(3)(B) (12 U.S.C.
10 1833a(b)(3)(B)), by striking “Bank Insurance
11 Fund, the Savings Association Insurance
12 Fund,” and inserting “Deposit Insurance
13 Fund”; and

14 (B) in section 1112(c)(1)(B) (12 U.S.C.
15 3341(c)(1)(B)), by striking “Bank Insurance
16 Fund, the Savings Association Insurance
17 Fund,” and inserting “Deposit Insurance
18 Fund”.

19 (16) AMENDMENT TO THE BANK ENTERPRISE
20 ACT OF 1991.—Section 232(a)(1) of the Bank Enter-
21 prise Act of 1991 (12 U.S.C. 1834(a)(1)) is amend-
22 ed by striking “section 7(b)(2)(H)” and inserting
23 “section 7(b)(2)(G)”.

24 (17) AMENDMENT TO THE BANK HOLDING
25 COMPANY ACT OF 1956.—Section 2(j)(2) of the Bank

1 Holding Company Act of 1956 (12 U.S.C.
2 1841(j)(2)) is amended by striking “Savings Asso-
3 ciation Insurance Fund” and inserting “Deposit In-
4 surance Fund”.

5 **SEC. 705. CREATION OF SAIF SPECIAL RESERVE.**

6 Section 11(a)(6) of the Federal Deposit Insurance
7 Act (12 U.S.C. 1821(a)(6)) is amended by adding at the
8 end the following new subparagraph:

9 “(L) ESTABLISHMENT OF SAIF SPECIAL RE-
10 SERVE.—

11 “(i) ESTABLISHMENT.—If, on January 1,
12 1999, the reserve ratio of the Savings Associa-
13 tion Insurance Fund exceeds the designated re-
14 serve ratio, there is established a Special Re-
15 serve of the Savings Association Insurance
16 Fund, which shall be administered by the Cor-
17 poration and shall be invested in accordance
18 with section 13(a).

19 “(ii) AMOUNTS IN SPECIAL RESERVE.—If,
20 on January 1, 1999, the reserve ratio of the
21 Savings Association Insurance Fund exceeds
22 the designated reserve ratio, the amount by
23 which the reserve ratio exceeds the designated
24 reserve ratio shall be placed in the Special Re-

1 serve of the Savings Association Insurance
2 Fund established by clause (i).

3 “(iii) LIMITATION.—The Corporation shall
4 not provide any assessment credit, refund, or
5 other payment from any amount in the Special
6 Reserve of the Savings Association Insurance
7 Fund.

8 “(iv) EMERGENCY USE OF SPECIAL RE-
9 SERVE.—Notwithstanding clause (iii), the Cor-
10 poration may, in its sole discretion, transfer
11 amounts from the Special Reserve of the Sav-
12 ings Association Insurance Fund to the Savings
13 Association Insurance Fund for the purposes
14 set forth in paragraph (4), only if—

15 “(I) the reserve ratio of the Savings
16 Association Insurance Fund is less than 50
17 percent of the designated reserve ratio; and

18 “(II) the Corporation expects the re-
19 serve ratio of the Savings Association In-
20 surance Fund to remain at less than 50
21 percent of the designated reserve ratio for
22 each of the next 4 calendar quarters.

23 “(v) EXCLUSION OF SPECIAL RESERVE IN
24 CALCULATING RESERVE RATIO.—Notwithstand-
25 ing any other provision of law, any amounts in

1 the Special Reserve of the Savings Association
 2 Insurance Fund shall be excluded in calculating
 3 the reserve ratio of the Savings Association In-
 4 surance Fund.”.

5 **SEC. 706. REFUND OF AMOUNTS IN DEPOSIT INSURANCE**
 6 **FUND IN EXCESS OF DESIGNATED RESERVE**
 7 **AMOUNT.**

8 Subsection (e) of section 7 of the Federal Deposit In-
 9 surance Act (12 U.S.C. 1817(e)) is amended to read as
 10 follows:

11 “(e) REFUNDS.—

12 “(1) OVERPAYMENTS.—In the case of any pay-
 13 ment of an assessment by an insured depository in-
 14 stitution in excess of the amount due to the Cor-
 15 poration, the Corporation may—

16 “(A) refund the amount of the excess pay-
 17 ment to the insured depository institution; or

18 “(B) credit such excess amount toward the
 19 payment of subsequent semiannual assessments
 20 until such credit is exhausted.

21 “(2) BALANCE IN INSURANCE FUND IN EXCESS
 22 OF DESIGNATED RESERVE.—

23 “(A) IN GENERAL.—Subject to subpara-
 24 graphs (B) and (C), if, as of the end of any
 25 semiannual assessment period beginning after

1 the date of the enactment of the Deposit Insur-
2 ance Funds Act of 1996, the amount of the ac-
3 tual reserves in—

4 “(i) the Bank Insurance Fund (until
5 the merger of such fund into the Deposit
6 Insurance Fund pursuant to section 704 of
7 the Deposit Insurance Funds Act of 1996);

8 or

9 “(ii) the Deposit Insurance Fund
10 (after the establishment of such fund),

11 exceeds the balance required to meet the des-
12 ignated reserve ratio applicable with respect to
13 such fund, such excess amount shall be re-
14 funded to insured depository institutions by the
15 Corporation on such basis as the Board of Di-
16 rectors determines to be appropriate, taking
17 into account the factors considered under the
18 risk-based assessment system.

19 “(B) REFUND NOT TO EXCEED PREVIOUS
20 SEMIANNUAL ASSESSMENT.—The amount of
21 any refund under this paragraph to any mem-
22 ber of a deposit insurance fund for any semi-
23 annual assessment period may not exceed the
24 total amount of assessments paid by such mem-

1 ber to the insurance fund with respect to such
2 period.

3 “(C) REFUND LIMITATION FOR CERTAIN
4 INSTITUTIONS.—No refund may be made under
5 this paragraph with respect to the amount of
6 any assessment paid for any semiannual assess-
7 ment period by any insured depository institu-
8 tion described in clause (v) of subsection
9 (b)(2)(A).”.

10 **SEC. 707. ASSESSMENT RATES FOR SAIF MEMBERS MAY**
11 **NOT BE LESS THAN ASSESSMENT RATES FOR**
12 **BIF MEMBERS.**

13 Section 7(b)(2)(C) of the Federal Deposit Insurance
14 Act (12 U.S.C. 1817(b)(2)(E), as redesignated by section
15 704(d)(6) of this division) is amended—

16 (1) by striking “and” at the end of clause (i);

17 (2) by striking the period at the end of clause

18 (ii) and inserting “; and”; and

19 (3) by adding at the end the following new
20 clause:

21 “(iii) notwithstanding any other provi-
22 sion of this subsection, during the period
23 beginning on the date of enactment of the
24 Deposit Insurance Funds Act of 1996, and
25 ending on December 31, 1998, the assess-

1 ment rate for a Savings Association Insur-
 2 ance Fund member may not be less than
 3 the assessment rate for a Bank Insurance
 4 Fund member that poses a comparable
 5 risk to the deposit insurance fund.”.

6 **SEC. 708. ASSESSMENTS AUTHORIZED ONLY IF NEEDED TO**
 7 **MAINTAIN THE RESERVE RATIO OF A DE-**
 8 **POSIT INSURANCE FUND.**

9 (a) IN GENERAL.—Section 7(b)(2)(A)(i) of the Fed-
 10 eral Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)(i))
 11 is amended in the matter preceding subclause (I) by in-
 12 serting “when necessary, and only to the extent nec-
 13 essary” after “insured depository institutions”.

14 (b) LIMITATION ON ASSESSMENT.—Section
 15 7(b)(2)(A)(iii) of the Federal Deposit Insurance Act (12
 16 U.S.C. 1817(b)(2)(A)(iii)) is amended to read as follows:

17 “(iii) LIMITATION ON ASSESSMENT.—
 18 Except as provided in clause (v), the Board
 19 of Directors shall not set semiannual as-
 20 sessments with respect to a deposit insur-
 21 ance fund in excess of the amount need-
 22 ed—

23 “(I) to maintain the reserve ratio
 24 of the fund at the designated reserve
 25 ratio; or

1 “(II) if the reserve ratio is less
2 than the designated reserve ratio, to
3 increase the reserve ratio to the des-
4 ignated reserve ratio.”.

5 (c) EXCEPTION TO LIMITATION ON ASSESSMENTS.—
6 Section 7(b)(2)(A) of the Federal Deposit Insurance Act
7 (12 U.S.C. 1817(b)(2)(A)) is amended by adding at the
8 end the following new clause:

9 “(v) EXCEPTION TO LIMITATION ON
10 ASSESSMENTS.—The Board of Directors
11 may set semiannual assessments in excess
12 of the amount permitted under clauses (i)
13 and (iii) with respect to insured depository
14 institutions that exhibit financial, oper-
15 ational, or compliance weaknesses ranging
16 from moderately severe to unsatisfactory,
17 or are not well capitalized, as that term is
18 defined in section 38.”.

19 **SEC. 709. TREASURY STUDY OF COMMON DEPOSITORY IN-**
20 **STITUTION CHARTER.**

21 (a) STUDY REQUIRED.—The Secretary of the Treas-
22 ury shall conduct a study of all issues which the Secretary
23 considers to be relevant with respect to the development
24 of a common charter for all insured depository institutions

1 and the abolition of separate and distinct charters between
2 banks and savings associations.

3 (b) REPORT TO THE CONGRESS.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury shall submit a report to the Congress on or be-
6 fore March 31, 1997, containing the findings and
7 conclusions of the Secretary in connection with the
8 study conducted pursuant to subsection (a).

9 (2) DETAILED ANALYSIS AND RECOMMENDA-
10 TIONS.—The report under paragraph (1) shall in-
11 clude—

12 (A) a detailed analysis of each issue the
13 Secretary considered relevant to the subject of
14 the study;

15 (B) recommendations of the Secretary with
16 regard to the establishment of a common char-
17 ter for insured depository institutions; and

18 (C) such recommendations for legislative
19 and administrative action as the Secretary de-
20 termines to be appropriate to implement the
21 recommendations of the Secretary under sub-
22 paragraph (B).

23 **SEC. 710. DEFINITIONS.**

24 For purposes of this title, the following definitions
25 shall apply:

1 (1) BANK INSURANCE FUND.—The term “Bank
2 Insurance Fund” means the fund established pursu-
3 ant to section (11)(a)(5)(A) of the Federal Deposit
4 Insurance Act, as that section existed on the day be-
5 fore the date of enactment of this Act.

6 (2) BIF MEMBER, SAIF MEMBER.—The terms
7 “Bank Insurance Fund member” and “Savings As-
8 sociation Insurance Fund member” have the same
9 meanings as in section 7(l) of the Federal Deposit
10 Insurance Act.

11 (3) VARIOUS BANKING TERMS.—The terms
12 “bank”, “Board of Directors”, “Corporation”, “de-
13 posit”, “insured depository institution”, “Federal
14 savings association”, “savings association”, “State
15 savings bank”, and “State depository institution”
16 have the same meanings as in section 3 of the Fed-
17 eral Deposit Insurance Act.

18 (4) DEPOSIT INSURANCE FUND.—The term
19 “Deposit Insurance Fund” means the fund estab-
20 lished under section 11(a)(4) of the Federal Deposit
21 Insurance Act (as amended by section 704(d) of this
22 title).

23 (5) DEPOSITORY INSTITUTION HOLDING COM-
24 PANY.—The term “depository institution holding

1 company” has the same meaning as in section 3 of
2 the Federal Deposit Insurance Act.

3 (6) DESIGNATED RESERVE RATIO.—The term
4 “designated reserve ratio” has the same meaning as
5 in section 7(b)(2)(A)(iv) of the Federal Deposit In-
6 surance Act.

7 (7) SAIF.—The term “Savings Association In-
8 surance Fund” means the fund established pursuant
9 to section 11(a)(6)(A) of the Federal Deposit Insur-
10 ance Act, as that section existed on the day before
11 the date of enactment of this Act.

12 (8) SAIF-ASSESSABLE DEPOSIT.—The term
13 “SAIF-assessable deposit”—

14 (A) means a deposit that is subject to as-
15 sessment for purposes of the Savings Associa-
16 tion Insurance Fund under the Federal Deposit
17 Insurance Act (including a deposit that is treat-
18 ed as insured by the Savings Association Insur-
19 ance Fund under section 5(d)(3) of the Federal
20 Deposit Insurance Act); and

21 (B) includes any deposit described in sub-
22 paragraph (A) which is assumed after March
23 31, 1995, if the insured depository institution,
24 the deposits of which are assumed, is not an in-

1 sured depository institution when the special as-
2 sessment is imposed under section 702(a).

3 This joint resolution may be cited as the “Omnibus
4 Consolidated Appropriations Act, 1997”.