APPROPRIATIONS,
BUDGET ESTIMATES, ETC.

VOL. 1

STATEMENTS

ONE HUNDRED FOURTH CONGRESS, FIRST SESSION

(January 4, 1995 to January 3, 1996)

SHOWING

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APPROPRIATIONS ACTS (pp. 1–858)

ACCOUNT, RECAPITULATION AND SUPPORTING TABLES (pp. 859–1126)

VOL. 2

ACTS AUTHORIZING OR CONTAINING APPROPRIATIONS (pp. 1127–1988)

PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

BY

J. KEITH KENNEDY
Staff Director to the
Committee on Appropriations
United States Senate

JAMES W. DYER
Clerk and Staff Director to the
Committee on Appropriations
House of Representatives
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COMPILERS’ NOTES

STATUTE PROVIDING FOR THESE STATEMENTS:

The Legislative Appropriation Act approved, June 7, 1924, provided: “In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary.”

Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

OVERVIEW FOR THIS VOLUME:

This compilation contains laws making, rescinding, or affecting appropriations which were enacted during the first session of the 104th Congress. Final action for fiscal year 1996 was completed during the second session and is included in this volume.

Included are the text for the following enacted laws:

—Fiscal year 1995: two supplementals
—Fiscal year 1996: thirteen regular annual acts (five of which were enacted in an Omnibus Continuing Act); thirteen continuing acts; and two supplementals.

This volume also contains various comparative tables for the session. These tables have been revised in format and content from those of previous editions. A description of these tables is provided (p. 857), as well as a cross reference of tables to previous editions (p. 858).

ADJUSTMENTS TO TOTALS:

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that are counted twice. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. In addition, certain “proprietary receipts from the public” are offset against budget authority for budget summary presentation purposes. Federal funds and trust funds, when totaled, must include adjustments to avoid double-counting.

The aggregate adjustment of $328,451 million is the estimate for fiscal year 1996 shown on page 464 of the Analytical Perspectives for the Budget for 1996. Being an estimate, this figure is subject to revision as actual data become available; an updated amount for fiscal 1996 will appear in the budget for 1997.

FISCAL YEAR DEFINITION:

The Congressional Budget and Impoundment Control Act of 1974, Public Law 93–344, changed the fiscal year from the July 1—June 30 fiscal year to an October 1—September 30 fiscal year. Volumes beginning with fiscal year 1977, are based upon the October 1—September 30 fiscal year.

Title X (the “Impoundment Control Act of 1974”) of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1993 and the first 3 months of fiscal year 1995.
TERMS AND DEFINITIONS:

While required by the constitution as a necessary prerequisite to the withdrawal of any money from the Treasury, through long usage the term “appropriation” acquired a definite, technical word-of-art meaning in relating to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations of congressional fiscal actions. If the language did not “appropriate” within the concept thus imparted to the term, then it was not added in the “appropriation” totals. If it did so “appropriate”, it was added in the total.

Thus in congressional tabulations generally, a “reappropriation” (extension) of a balance of a previous appropriation was not added to the “appropriation” totals even though it provided obligational and spending authority beyond what would in its absence have been the case. However, when a bill that provided for a “reappropriation” became law after the fiscal year in which the amount originally was provided, the reappropriation was added to the “appropriation” total.

Previous to the 90th Cong., 2d sess., an “authorization to expend from debt receipts” (sometimes called “public debt borrowing authority”) was not counted as an “appropriation” even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation (“contract authorization”), being authority to obligate the Government but not to expend money, was not added in the general “appropriation” totals. But a subsequent “appropriation to liquidate” that contract authorization an authority to expend money but not to create additional obligations was counted as an “appropriation”.

Furthermore, historically, prior to the fiscal year 1969, the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal or Federally owned funds, as distinct from trust funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture they subsequently came to loom large, and while separately tabulated and noted in volumes of this work previous to the 90th Cong., 2nd sess., they were not included in the aggregate totals of “appropriations” generally. (See note, table X, in volumes prior to the 90th Cong., 2d sess.). But in subsequent volumes, they are incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term “appropriations” includes, in appropriate context “. . . funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure”.

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes prior to the 90th congress., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental “appropriation” acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not added directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess.
This especially affects tables 1, 7, and 8. To maintain some consistency and readily identify amounts relating to the regular annual and supplemental “appropriation” acts and amounts relating to “appropriations in legislative acts”, there is a breakout among these lines in each of these three tables. The total in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, unified budget concept recommended by the President’s Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a single concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to “appropriations”. The major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of trust funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of previous sessions that thus do not require action in bills of the current session).

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to “appropriation”, pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)
COMMITTEES ON APPROPRIATIONS
ONE HUNDRED FOURTH CONGRESS, FIRST SESSION

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ESTEBAN EDWARD TORRES, California
NITA M. LOWEY, New York
RAY THORNTON, Arkansas

1 Majority and Minority Members elected January 4, 1995.
2 Resigned from the Committee on October 12, 1995.
3 Elected to the Committee on October 12, 1995.

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EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995

PUBLIC LAW 104-6
Public Law 104–6
104th Congress

An Act

Making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

**TITLE I**

**CHAPTER I**

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS**

**DEPARTMENT OF DEFENSE—MILITARY**

**MILITARY PERSONNEL**

**Military Personnel, Army**

For an additional amount for “Military Personnel, Army,” $260,700,000: Provided, 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.

**Military Personnel, Navy**

For an additional amount for “Military Personnel, Navy,” $183,100,000: Provided, 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.

**Military Personnel, Marine Corps**

For an additional amount for “Military Personnel, Marine Corps,” $25,200,000: Provided, 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.
For an additional amount for “Military Personnel, Air Force,” $207,100,000: Provided, 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.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army,” $6,500,000: Provided, 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.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy,” $9,600,000: Provided, 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.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps,” $1,300,000: Provided, 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.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force,” $2,800,000: Provided, 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.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army,” $11,000,000: Provided, 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.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force,” $5,000,000: Provided, 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.

[Total, Military Personnel, $712,300,000.]
PUBLIC LAW 104–6—APR. 10, 1995

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for “Operation and Maintenance, Army,” $936,600,000: Provided, 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.

Operation and Maintenance, Navy

For an additional amount for “Operation and Maintenance, Navy,” $423,700,000: Provided, 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.

Operation and Maintenance, Marine Corps

For an additional amount for “Operation and Maintenance, Marine Corps,” $33,500,000: Provided, 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.

Operation and Maintenance, Air Force

For an additional amount for “Operation and Maintenance, Air Force,” $852,500,000: Provided, 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.

Operation and Maintenance, Defense-Wide

For an additional amount for “Operation and Maintenance, Defense-Wide,” $46,200,000: Provided, 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.

Operation and Maintenance, Navy Reserve

For an additional amount for “Operation and Maintenance, Navy Reserve,” $15,400,000: Provided, 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.

[Total, Operation and Maintenance, $2,307,900,000.]

PROCUREMENT

Other Procurement, Army

For an additional amount for “Other Procurement, Army,” $8,300,000, to remain available until September 30, 1997: Provided, 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.

1Transfer provided in Chapter II (p. 6).
PUBLIC LAW 104–6—APR. 10, 1995

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program,” $13,200,000: Provided, 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.

[Total, Chapter I, $3,041,700,000.]

CHAPTER II

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $68,800,000 are rescinded.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $15,400,000 are rescinded.

OPERATION AND MAINTENANCE, ARMY RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $6,200,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $300,000,000 are rescinded.

NOTE.—Amounts in Chapter II are rescissions.
PUBLIC LAW 104–6—APR. 10, 1995

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public

- $20,000,000  Law 103–335, $20,000,000 are rescinded.

[Total, Operation and Maintenance, – $414,400,000.]

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public

- $34,411,000  Law 103–335, $34,411,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public

- $85,000,000  Law 102–396, $85,000,000 are rescinded.

- $55,900,000  Law 103–335, $55,900,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public

- $32,100,000  Law 103–335, $32,100,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS AND TRANSFER)

Of the funds made available under this heading in Public

- $100,000,000  Law 102–396, $100,000,000 are rescinded.

- $27,500,000  Law 103–335, $27,500,000 are rescinded.

(23,500,000)  Law 103–335, $23,500,000 are hereby transferred and made available for obligation to Operation and Maintenance, Air Force.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public

- $33,000,000  Law 102–396, $33,000,000 are rescinded.

- $99,000,000  Law 103–139, $99,000,000 are rescinded.

- $89,500,000  Law 103–335, $89,500,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public

- $6,100,000  Law 103–335, $6,100,000 are rescinded.

1 Transfer reflected in Chapter I (p. 4).
Of the funds made available under this heading in Public Law 103-335, $32,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT
(RESCission)

Of the funds made available under this heading in Public Law 103-335, $30,000,000 are rescinded.

DEFENSE PRODUCTION ACT PURCHASES
(RESCission)

Of the funds made available under this heading in Public Law 103-139, $100,000,000 are rescinded.

[Total, Procurement, $724,511,000.]

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY
(RESCissions)

Of the funds made available under this heading in Public Law 103-139, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $43,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
(RESCission)

Of the funds made available under this heading in Public Law 103-335, $68,800,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE
(RESCissions)

Of the funds made available under this heading in Public Law 103-139, $49,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $191,200,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE
(RESCissions)

Of the funds made available under this heading in Public Law 103-139, $77,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $436,445,000 are rescinded.

[Total, Research, Development, Test and Evaluation, $871,045,000.]
RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND
(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, $75,000,000 are rescinded.

[Total, Chapter II, − $2,009,956,000.]

CHAPTER III

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5, United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee’s dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense. This section shall take effect as of March 5, 1995, and shall apply with respect to any payment made on or after that date.

(INCLUDING TRANSFER OF FUNDS)

SEC. 104. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: Provided, 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.

SEC. 105. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), is amended by striking out the last proviso and inserting in lieu thereof the following: “: Provided further, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is prohibited from receiving payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty,

1 Reduction in total funding available. Not included in rescission totals.
2 Miscellaneous receipts for fiscal year 1995.
3 Miscellaneous receipts for fiscal year 1996.
and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins”.

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

Sec. 106. (a) Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: “Notwithstanding any other provisions of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That, in addition to any other reductions required by this section, the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $250,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.”.

(b) Subsection 8054(h) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: “The total amounts appropriated to or for the use of the Department of Defense in titles II, III, and IV of this Act are reduced by an additional $251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.”.

(c) Not later than 60 days after enactment of this Act, the Under Secretary of Defense (Comptroller) shall report to the Committees on Appropriations of the Senate and the House of Representatives as to the total, separate amounts of appropriations provided, by title and by appropriations account, in titles II, III, and IV of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), as amended.

Sec. 107. Within sixty days of the enactment of this Act, the President shall submit to Congress a report which shall include the following:

(a) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(1) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial...
Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(b) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (a), including—

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(2) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

SEC. 108. None of the funds appropriated to the Department of Defense for the Technology Reinvestment Program under Public Law 103–335 shall be obligated for any new projects for which a selection has not been made until the Under Secretary of Defense for Acquisition and Technology certifies to the Congress that military officers and civilian employees of the military departments constitute a majority of the membership on each review panel at every proposal evaluation step for the Technology Reinvestment Program: Provided, That the Under Secretary of Defense for Acquisition and Technology shall submit to the Congress a report describing each new Technology Reinvestment Program project or award and the military needs which the project addresses.

SEC. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

SEC. 110. During the current fiscal year, none of the funds available to the Department of Defense for emergency and extraordinary expenses may be obligated or expended in an amount of $1,000,000 or more for any single transaction without prior notification to the Committees on Appropriations of the Senate and House of Representatives, the Senate Armed Services Committee, and the House National Security Committee.

SEC. 111. (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

Sec. 112. None of the funds made available to the Department of Defense for any fiscal year for military construction or family housing may be obligated to initiate construction projects upon enactment of this Act for any project on an installation that—

(1) was included in the closure and realignment recommendations submitted by the Secretary of Defense to the Base Closure and Realignment Commission on February 28, 1995, unless removed by the Base Closure and Realignment Commission, or

(2) is included in the closure and realignment recommendation as submitted to Congress in 1995 in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (Public Law 101–510):

Provided, That the prohibition on obligation of funds for projects located on an installation cited for realignment are only to be in effect if the function or activity with which the project is associated will be transferred from the installation as a result of the realignment: Provided further, That this provision will remain in effect unless the Congress enacts a Joint Resolution of Disapproval in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (Public Law 101–510).

(RESCISSIONS)

Sec. 113. Of the funds appropriated under Public Law 103–307, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $3,500,000;  
Military Construction, Navy, $3,500,000;  
Military Construction, Air Force, $3,500,000;  
North Atlantic Treaty Organization Infrastructure, $33,000,000;  
Base Realignment and Closure Account, Part III, $32,000,000.

Of the funds appropriated under Public Law 102–136, the following funds are hereby rescinded from the following account in the specified amount:

Military Construction, Naval Reserve, $25,100,000.

Sec. 114. The Secretary of Defense shall not allocate a rescission to any military installation that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) in an amount in excess of the proportionate share for each installation for the current fiscal year of the funds rescinded from “Environmental Restoration, Defense” by this Act.

Sec. 115. Funds in the amount of $76,900,000 received during fiscal years 1994 and 1995 by the Department of the Air Force pursuant to the “Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,” signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with
appropriations available for research, development, test and evaluation and procurement for fiscal years 1994 and 1995, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract as of the date of enactment of this Act.

SEC. 116. Section 8025 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the amount "$203,736,000" and inserting in lieu thereof "$170,036,000".

SEC. 117. In addition to the rescissions made elsewhere in this Act, on September 15, 1995, $100,000,000 shall be rescinded from appropriations under title III of the Department of Defense Appropriations Act, 1993 (Public Law 102–396).

[Total, Chapter III (net), $732,303,000.]

CHAPTER IV
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

Grants to the National Railroad Passenger Corporation

For an additional amount to enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation, $21,500,000 is hereby appropriated which shall be available until expended for capital improvements associated with safety-related emergency repairs at the existing Pennsylvania Station in New York City: Provided, That none of the funds herein appropriated shall be used for the redevelopment of the James A. Farley Post Office Building in New York City as a train station and commercial center: Provided further, That the $21,500,000 shall be considered part of the Federal cost share for the redevelopment of the James A. Farley Post Office Building, if authorized.

[Total, Title I (net), $320,941,000.]

TITLE II
RESCISSIONS

The following rescissions of budget authority are made, namely:

CHAPTER I
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Immigration Emergency Fund
(RESCISSON)

Of the amounts made available under this heading in Public Law 103–317, $45,000,000 are rescinded.

Note.—Title II consists of rescissions.
PUBLIC LAW 104–6—APR. 10, 1995

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $90,000,000 are rescinded.

TOTAL, DEPARTMENT OF COMMERCE, $90,000,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

[Total, Department of Commerce, $105,000,000.]

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

[Total, Chapter I, $180,000,000.]

CHAPTER II

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years’ Energy and Water Development Appropriations Acts, $200,000,000 are rescinded.
Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

CHAPTER III
FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES
MULTILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL FINANCIAL INSTITUTIONS
CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION
(RESCISSION)
Of the funds made available under this heading in Public Law 103–306, $60,000,000 are rescinded.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND
(RESCISSION)
Of the funds made available under this heading in Public Law 103–306, $62,014,000 are rescinded.
[Total, International Financial Institutions, $122,014,000.]

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
AGENCY FOR INTERNATIONAL DEVELOPMENT
DEVELOPMENT ASSISTANCE FUND
(RESCISSION)
Of the funds made available under this heading in Public Law 103–306 and prior appropriations Acts, $12,500,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION
(RESCISSION)
Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $7,500,000 are rescinded.
Of the funds made available under this heading in Public Law 103–87 for support of an officer resettlement program in Russia as described in section 560(a)(5), $15,000,000 shall be allocated to other economic assistance and for related programs for the New Independent States of the Former Soviet Union notwithstanding the allocations provided in section 560 of said Act: Provided, That such funds shall not be available for assistance to Russia. [Total, Chapter III, – $142,014,000.]

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1996, $50,000,000 are rescinded and of the funds made available under this heading for obligation in fiscal year 1997, $150,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected. 

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence. [Total, Chapter IV, – $201,500,000.]
CHAPTER V
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for carrying out title II, part C of the Job Training Partnership Act, $200,000,000 are rescinded.

DEPARTMENT OF EDUCATION
SCHOOL IMPROVEMENT PROGRAMS
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for new education infrastructure improvement grants, $65,000,000 are rescinded.

STUDENT FINANCIAL ASSISTANCE
(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $35,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

[Total, Chapter V, $300,000,000.]

CHAPTER VI
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION)

Of the available balances under this heading that remain unobligated for the “advanced automation system”, $35,000,000 are rescinded.
FEDERAL HIGHWAY ADMINISTRATION

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS
(HIGHWAY TRUST FUND)
(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE
(RESCISSION)

Of the available balances under this heading, $6,563,000 are rescinded.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT
(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $40,000,000 are rescinded.

[Total, Chapter VI, – $93,567,450.]

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

The Congress finds that the 1990 amendments to the Clean Air Act (Public Law 101–549) superseded prior requirements of the Clean Air Act regarding the demonstration of attainment of national ambient air quality standards for the South Coast, Ventura, and Sacramento areas of California and thus eliminated the obligation of the Administrator of the Environmental Protection Agency to promulgate a Federal implementation plan under section 110(e) of the Clean Air Act for those areas. Upon the enactment of this Act, any Federal implementation plan that has been promulgated by the Administrator of the Environmental Protection Agency under the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California pursuant to a court order or settlement shall be rescinded and shall have no further force and effect.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

Public Law 103–327 is amended in the paragraph under this heading by striking “March 31, 1997” and all that follows, and inserting in lieu thereof: “September 30, 1997: Provided, That not

California. Air pollution control.
TITLE III—MISCELLANEOUS

SEC. 301. Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the “Mexican Debt Disclosure Act of 1995”.

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the exchange stabilization fund;

(3) the program of assistance involves the participation of the Board of Governors of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the exchange stabilization fund and the Board of Governors of the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. PRESIDENTIAL REPORTS.

(a) REPORTING REQUIREMENT.—Not later than June 30, 1995, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall contain a description of the following actions taken, or...
economic situations existing, during the preceding 6-month period or, in the case of the initial report, during the period beginning on the date of enactment of this Act:

(1) Changes in wage, price, and credit controls in the Mexican economy.
(2) Changes in taxation policy of the Government of Mexico.
(3) Specific actions taken by the Government of Mexico to further privatize the economy of Mexico.
(4) Actions taken by the Government of Mexico in the development of regulatory policy that significantly affected the performance of the Mexican economy.
(5) Consultations concerning the program approved by the President, including advice on economic, monetary, and fiscal policy, held between the Government of Mexico and the Secretary of the Treasury (including any designee of the Secretary) and the conclusions resulting from any periodic reviews undertaken by the International Monetary Fund pursuant to the Fund's loan agreements with Mexico.
(6) All outstanding loans, credits, and guarantees provided to the Government of Mexico, by the United States Government, including the Board of Governors of the Federal Reserve System, set forth by category of financing.
(7) The progress the Government of Mexico has made in stabilizing the peso and establishing an independent central bank or currency board.

(c) SUMMARY OF TREASURY DEPARTMENT REPORTS.—In addition to the information required to be included under subsection (b), each report required under this section shall contain a summary of the information contained in all reports submitted under section 404 during the period covered by the report required under this section.

SEC. 404. REPORTS BY THE SECRETARY OF THE TREASURY.

(a) REPORTING REQUIREMENT.—Beginning on the last day of the first month which begins after the date of enactment of this Act, and on the last day of every month thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall include a description of the following actions taken, or economic situations existing, during the month in which the report is required to be submitted:

(1) The current condition of the Mexican economy.
(2) The reserve positions of the central bank of Mexico and data relating to the functioning of Mexican monetary policy.
(3) The amount of any funds disbursed from the exchange stabilization fund pursuant to the program of assistance to the Government of Mexico approved by the President on January 31, 1995.
(4) The amount of any funds disbursed by the Board of Governors of the Federal Reserve System pursuant to the program of assistance referred to in paragraph (3).
(5) Financial transactions, both inside and outside of Mexico, made during the reporting period involving funds disbursed
to Mexico from the exchange stabilization fund or proceeds of Mexican Government securities guaranteed by the exchange stabilization fund.

(6) All outstanding guarantees issued to, and short-term and medium-term currency swaps with, the Government of Mexico by the Secretary of the Treasury, set forth by category of financing.

(7) All outstanding currency swaps with the central bank of Mexico by the Board of Governors of the Federal Reserve System and the rationale for, and any expected costs of, such transactions.

(8) The amount of payments made by customers of Mexican petroleum companies that have been deposited in the account at the Federal Reserve Bank of New York established to ensure repayment of any payment by the United States Government, including the Board of Governors of the Federal Reserve System, in connection with any guarantee issued to, or any swap with, the Government of Mexico.

(9) Any setoff by the Federal Reserve Bank of New York against funds in the account described in paragraph (8).

(10) To the extent such information is available, once there has been a setoff by the Federal Reserve Bank of New York, any interruption in deliveries of petroleum products to existing customers whose payments were setoff.

(11) The interest rates and fees charged to compensate the Secretary of the Treasury for the risk of providing financing.

SEC. 405. TERMINATION OF REPORTING REQUIREMENTS.

The requirements of sections 403 and 404 shall terminate on the date that the Government of Mexico has paid all obligations with respect to swap facilities and guarantees of securities made available under the program approved by the President on January 31, 1995.

SEC. 406. PRESIDENTIAL CERTIFICATION REGARDING SWAP OF CURRENCIES TO MEXICO THROUGH EXCHANGE STABILIZATION FUND OR FEDERAL RESERVE.

(a) In General.—Notwithstanding any other provision of law, no loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through the exchange stabilization fund or by the Board of Governors of the Federal Reserve System may be extended or (if already extended) further utilized, unless and until the President submits to the appropriate congressional committees a certification that—

1. there is no projected cost (as defined in the Credit Reform Act of 1990) to the United States from the proposed loan, credit, guarantee, or currency swap;

2. all loans, credits, guarantees, and currency swaps are adequately backed to ensure that all United States funds are repaid;

3. the Government of Mexico is making progress in ensuring an independent central bank or an independent currency control mechanism;

4. Mexico has in effect a significant economic reform effort; and

5. the President has provided the documents described in paragraphs (1) through (28) of House Resolution 80, adopted March 1, 1995.
(b) TREATMENT OF CLASSIFIED OR PRIVILEGED MATERIAL.—For purposes of the certification required by subsection (a)(5), the President shall specify, in the case of any document that is classified or subject to applicable privileges, that, while such document may not have been produced to the House of Representatives, in lieu thereof it has been produced to specified Members of Congress or their designees by mutual agreement among the President, the Speaker of the House, and the chairmen and ranking members of the Committee on Banking and Financial Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House.

SEC. 407. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committees on International Relations and Banking and Financial Services of the House of Representatives, the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(2) EXCHANGE STABILIZATION FUND.—The term “exchange stabilization fund” means the stabilization fund referred to in section 5302(a)(1) of title 31, United States Code.

This Act may be cited as the “Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995”.

Approved April 10, 1995.

LEGISLATIVE HISTORY—H.R. 889:
HOUSE REPORTS: Nos. 104–29 (Comm. on Appropriations) and 104–101 (Comm. of Conference).
SENATE REPORTS: No. 104–12 (Comm. on Appropriations).
Feb. 22, considered and passed House.
Mar. 7–10, 13–16, considered and passed Senate, amended.
Apr. 6, House and Senate agreed to conference report.
Net grand total, Defense Supplemental, 1995 ........... −$796,140,450

Fiscal year 1995:
Appropriations ........................................................ (2,366,497,000)
Rescissions .............................................................. (− 3,277,637,450)

Fiscal year 1996:
Appropriation offset ............................................... (− 50,000,000)
Rescission .............................................................. (− 50,000,000)

Fiscal year 1997:
Appropriation ........................................................... (315,000,000)
Rescission .............................................................. (− 150,000,000)

By transfer ................................................................. (23,500,000)

Consisting of:
Department of Commerce (rescissions) .................... −105,000,000
Department of Defense (net) .................................... 349,441,000
FY 1996 ................................................................. − 50,000,000
Department of Education (rescissions) ..................... −100,000,000
FY 1996 (rescission) ............................................... − 200,000,000
FY 1997 (rescission) ............................................... − 50,000,000
Foreign Assistance (rescissions) ............................. −142,014,000
General Government—Independent agencies (rescission) −15,000,000
Department of the Interior (rescission) ..................... −1,500,000
Department of Justice (rescission) .......................... −45,000,000
Department of Labor (rescission) ............................ −200,000,000
National Aeronautics and Space Administration .......... −365,000,000
FY 1996 ................................................................. 365,000,000
Small Business Administration (rescission) ......... −15,000,000
Department of Transportation (net) ........................ −72,067,450
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

PUBLIC LAW 104-19
An Act

Making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

(TRANSFER OF FUNDS)

Funds made available under this heading in Public Law 103-330 and subsequently transferred to “Nutrition Initiatives” are transferred to the Agricultural Research Service.

Food Safety and Inspection Service

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

Agricultural Stabilization and Conservation Service

Salaries and Expenses

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $5,000,000.
Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: Provided, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103-465.

Rural Electrification Administration

Rural Electrification and Telephone Loans Program Account

The second paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: "Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

Food and Nutrition Service

Commodity Supplemental Food Program

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: "Provided further, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program.

General Provision

Section 715 of Public Law 103-330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465.

Office of the Secretary

(Recession)

Of the funds made available under this heading in Public Law 103-330, $31,000 are rescinded: Provided, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

1 Reflects savings earmarked in the GATT agreement.
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ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 are rescinded.

AGRICULTURAL RESEARCH SERVICE
BUILDINGS AND FACILITIES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,400,000 are rescinded: Provided, That after completion of the construction of the National Swine Research Center Laboratory, all rights and title of the United States in that Center Laboratory shall be conveyed to Iowa State University.

COOPERATIVE STATE RESEARCH SERVICE
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $527,000 for necessary expenses of Cooperative State Research Service activities: Provided, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

BUILDINGS AND FACILITIES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $2,184,000 are rescinded.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
BUILDINGS AND FACILITIES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $2,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT
(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $15,500,000 for the cost of section 515 rental housing loans are rescinded.
LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS
(RESCISSION)
Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT
(RESCISSION)
Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION
RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT
(RESCISSION)
Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE
SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)
(RESCISSION)
Of the funds made available under this heading in Public Law 103–111, $20,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 480 PROGRAM ACCOUNT
(RESCISSION)
Of the funds made available under this heading in Public Law 103–330, $40,000,000 for commodities supplied in connection with dispositions abroad, pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, are rescinded.

[Total, Chapter I (net), – $81,834,000.]

CHAPTER II
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
RELATED AGENCIES
NATIONAL BANKRUPTCY REVIEW COMMISSION
(TRANSFER OF FUNDS)
For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,000,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.
For an additional amount for “International Broadcasting Operations”, $7,290,000, for transfer to the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
DRUG COURTS
(RESCISSON)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

Under this heading in Public Law 103–317, after the word “grants”, insert the following: “and administrative expenses”. After the word “expended”, insert the following: “: Provided, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council”.

GENERAL ADMINISTRATION
WORKING CAPITAL FUND
(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $5,500,000 are rescinded.

LEGAL ACTIVITIES
ASSETS FORFEITURE FUND
(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.
FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(RECSSION)

Of the funds made available under this heading in Public Law 103–317, $28,037,000 are rescinded.  
[Total, Department of Justice, $56,637,000.]

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RECSSION)

Of the funds made available under this heading in Public Law 103–317, $17,000,000 are rescinded.  

INDUSTRIAL TECHNOLOGY SERVICES

(RECSSION)

Of the funds made available under this heading in Public Law 103–317, $16,300,000 are rescinded.  

CONSTRUCTION OF RESEARCH FACILITIES

(RECSSION)

Of the uncommitted balances available under this heading, $30,000,000 are rescinded.  
[Total, National Institutes of Standards and Technology, $63,300,000.]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RECSSION)

Of the funds made available under this heading in Public Law 103–317, $24,200,000 are rescinded.  

CONSTRUCTION

(RECSSION)

Of the uncommitted balances available under this heading, $15,000,000 are rescinded.  

GOES SATELLITE CONTINGENCY FUND

(RECSSION)

Of the uncommitted balances available under this heading, $2,500,000 are rescinded.  
[Total, National Oceanic and Atmospheric Administration, $41,700,000.]
Of the funds made available under this heading in Public
Law 103–317, $1,750,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE
NTIS REVOLVING FUND
(RESCISSION)

Of the funds made available under this heading in Public
Law 103–317, and from offsetting collections available in the revolv-
ing fund, $1,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION
INFORMATION INFRASTRUCTURE GRANTS
(RESCISSION)

Of the funds made available under this heading in Public
Law 103–317, $4,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
(RESCISSIONS)

Of the funds made available under this heading in Public
Laws 103–75 and 102–368, $5,250,000 are rescinded.
In addition, of the funds made available under this heading
in Public Law 103–317, $25,000,000 are rescinded.
[Total, Department of Commerce, $142,000,000.]

THE JUDICIARY

UNITED STATES COURT OF INTERNATIONAL TRADE
SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public
Law 103–317, $1,000,000 are rescinded.
Of the funds made available under this heading in Public Law 103–317, $9,500,000 are rescinded.

FEES OF JURORS AND COMMISSIONERS

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

[Total, The judiciary, $15,500,000.]

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

Of the funds made available under this heading in Public Law 103–317, $6,000,000 are rescinded: Provided, That funds appropriated for grants to the National Center for Genome Resources in Public Law 103–121 and Public Law 103–317 shall be available to provide consulting assistance, information, and related services, and shall be available for other purposes, notwithstanding the limitations in said public laws.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Public Law 104–6 is amended by adding after the word "rescinded" in the paragraph under the heading "Legal Services Corporation, Payment to the Legal Services Corporation, (Rescission)" the following: "of which $4,802,000 are from funds made available for basic field programs; $523,000 are from funds made available for Native American programs; $1,071,000 are from funds made available for migrant programs; $709,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $159,000 are from funds made available for regional training centers; $2,691,000 are from funds made available for support; $2,212,000 are from funds made available for State support; $785,000 are from funds made available for client initiatives; $160,000 are from funds made available for the Clearinghouse; $73,000 are from funds made available for computer assisted legal research regional centers; and $1,784,000 are from funds made available for Corporation management and administration".

Ante, p. 84.
Of the funds made available under this heading in Public Law 103–317, $2,250,000 are rescinded.

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,500,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.
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RADIO CONSTRUCTION
(RESCSSION)

Of the unobligated balances available under this heading, $16,000,000 are rescinded.

- $16,000,000

RADIO FREE ASIA
(RESCISSON)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

- 5,000,000

[Total, Chapter II (net), – $291,714,000.]

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS
(RESCSSION)

Of the funds made available under this heading in Public Law 103-316 and prior years’ Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

- 10,000,000

CONSTRUCTION, GENERAL
(RESCSSION)

Of the funds made available under this heading in Public Law 103-316 and prior years’ Energy and Water Development Appropriations Acts, $60,000,000 are rescinded.

- 60,000,000

[Total, Department of Defense—Civil, – $70,000,000.]

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE
(RESCSSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

- 10,000,000

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES
(RESCSSION)

Of the funds made available under this heading in Public Law 103-316 and prior years’ Energy and Water Development Appropriations Acts, $74,000,000 are rescinded.

- 74,000,000
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ATOMIC ENERGY DEFENSE ACTIVITIES

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RECISION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RECISION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RECISION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $30,000,000 are rescinded.

[Total, Department of Energy, – $139,000,000.]

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RECISION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RECISION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

[Total, Chapter III, – $234,000,000.]

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, as amended, of modifying direct loans to Jordan
issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000.

$275,000,000

MULTILATERAL ECONOMIC ASSISTANCE
Funds Appropriated to the President
International Organizations and Programs
(Recession)
Of the funds made available under this heading in Public Law 103-306, $15,000,000 are rescinded.

$15,000,000

BILATERAL ECONOMIC ASSISTANCE
Funds Appropriated to the President
Agency for International Development
Development Assistance Fund
(Recession)
Of the funds made available under this heading in Public Law 103-306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $41,300,000 are rescinded.

$41,300,000

Population, Development Assistance
(Recession)
Of the funds made available under this heading in Public Law 103-306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $19,000,000 are rescinded.

$19,000,000

Development Fund for Africa
(Recession)
Of the funds made available under this heading in Public Law 103-306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $21,000,000 are rescinded.

$21,000,000
Of the funds made available under this heading in Public Law 103–306 and prior years’ Foreign Operations, Export Financing and Related Programs Appropriations Acts for programs or projects to or through the Government of Russia, $25,000,000 are rescinded.

[Total, Bilateral Economic Assistance, $135,700,000.]

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $3,000,000 are rescinded.

EXPORT ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306 and prior years’ Foreign Operations, Export Financing and Related Programs Appropriations Acts, $2,000,000 are rescinded.
Operations, Export Financing and Related Programs Appropriations Acts, $4,000,000 are rescinded.

[Total, Chapter IV (net), $117,300,000.]

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: Provided, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $900,000 are rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $2,500,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

[Total, Bureau of Land Management, $4,967,000.]

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-211, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $12,415,000 are rescinded.
LAND ACQUISITION
(RESCISSION)

Of the funds available under this heading in Public Law 103-332 and any unobligated balances from funds appropriated under this heading in prior years, $1,076,000 are rescinded.

[Total, United States Fish and Wildlife Service, $13,491,000.]

NATIONAL BIOLOGICAL SURVEY
RESEARCH, INVENTORIES, AND SURVEYS
(RESCISSION)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $14,549,000 are rescinded.

NATIONAL PARK SERVICE
CONSTRUCTION
(RESCISSION)

Of the funds available under this heading in Public Law 103-332 and any unobligated balances from funds appropriated under this heading in prior years, $20,890,000 are rescinded.

URBAN PARK AND RECREATION FUND
(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE
(RESCISSION)

Of the funds available under this heading in Public Law 103-332 and any unobligated balances from funds appropriated under this heading in prior years, $13,634,000 are rescinded.

[Total, National Park Service, $42,004,000.]

MINERALS MANAGEMENT SERVICE
ROYALTY AND OFFSHORE MINERALS MANAGEMENT
(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $514,000 are rescinded.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $4,850,000 are rescinded: Provided, That the first proviso under this heading in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".
CONSTRUCTION
(RESCSSION)
Of the funds available under this heading in Public Law 103-332 and any unobligated balances from funds appropriated under this heading in prior years, $9,571,000 are rescinded.  
- $9,571,000

INDIAN DIRECT LOAN PROGRAM ACCOUNT
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, $1,700,000 are rescinded.  
- 1,700,000

[Total, Bureau of Indian Affairs, – $16,121,000.]

TERRITORIAL AND INTERNATIONAL AFFAIRS
ADMINISTRATION OF TERRITORIES
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, $1,938,000 are rescinded.  
- 1,938,000

TRUST TERRITORY OF THE PACIFIC ISLANDS
(RESCSSION)
Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.  
- 32,139,000

COMPACT OF FREE ASSOCIATION
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.  
- 1,000,000

[Total, Territorial and International Affairs, – $35,077,000.]
[Total, Department of Interior, – $126,723,000.]

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST RESEARCH
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, $6,000,000 are rescinded.  
- 6,000,000

STATE AND PRIVATE FORESTRY
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, and Public Law 103-138, $7,800,000 are rescinded.  
- 7,800,000

INTERNATIONAL FORESTRY
(RESCSSION)
Of the funds available under this heading in Public Law 103-332, $2,000,000 are rescinded.  
- 2,000,000
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NATIONAL FOREST SYSTEM

(RECISISSION)

Of the funds available under this heading in Public Law 103–332, $1,650,000 are rescinded.

CONSTRUCTION

(RECISISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $6,072,000 are rescinded: Provided, That the first proviso under this heading in Public Law 103–332 is amended by striking “1994” and inserting in lieu thereof “1995”.

LAND ACQUISITION

(RECISISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $1,429,000 are rescinded: Provided, That the Chief of the Forest Service shall not initiate any new purchases of private land in Washington County, Ohio and Lawrence County, Ohio during fiscal year 1995.

[Total, Forest Service, – $24,951,000.]

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RECISISSION)

Of the funds available under this heading in Public Law 103–332, $18,100,000 are rescinded.

ENERGY CONSERVATION

(RECISIIONS)

Of the funds available under this heading in Public Law 103–332, $35,928,000 are rescinded and of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

[Total, – $49,628,000.]

[Total, Department of Energy, – $67,728,000.]

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RECISISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.
OTHER RELATED AGENCIES

Smithsonian Institution

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSION)

Of the funds available under this heading in Public Law 102-381 and Public Law 103-138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, Public Law 102-381, Public Law 103-138, and Public Law 103-332, $11,512,000 are rescinded.

[Total, Smithsonian Institution, – $12,512,000.]

National Gallery of Art

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $407,000 are rescinded.

John F. Kennedy Center for the Performing Arts

CONSTRUCTION

(RESCISSION)

Of the available balances under this heading $3,000,000 are rescinded.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.
Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

**GENERAL PROVISIONS**

**SEC. 501.** No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

**SEC. 502.** (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized for national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

**SEC. 503.** (a) As provided in subsection (b), an environmental impact statement prepared pursuant to the National Environmental Policy Act or a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer.


**SEC. 504.** (a) **SCHEDULE FOR NEPA COMPLIANCE.**—Each National Forest System unit shall establish and adhere to a schedule for the completion of National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule shall provide that not more than 20 percent of the allotments shall undergo NEPA analysis and decisions through fiscal year 1996.

(b) **REISSUANCE PENDING NEPA COMPLIANCE.**—Notwithstanding any other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions

1 Totalled with appropriations.
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of existing grazing permits may be modified or re-issued, if necessary to conform to such NEPA analysis.

(c) EXPIRED PERMITS.—This section shall only apply if a new term grazing permit has not been issued to replace an expired or waived term grazing permit solely because the analysis required by NEPA and other applicable laws has not been completed and also shall include permits that expired or were waived in 1994 and 1995 before the date of enactment of this Act.

[Total, Other Related Agencies (net), – $29,103,000.]
[Total, Chapter V (net), – $250,505,000.]

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,349,115,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $58,000,000 for carrying out title II, part A of such Act, $272,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee: Provided, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

[Total, – $14,440,000.]

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,201,397,000.

[Total, Employment and Training Administration, – $1,451,255,000.]
PUBLIC LAW 104–19—JULY 27, 1995

BUREAU OF LABOR STATISTICS
SALARIES AND EXPENSES
(RECISISON)
Of the funds made available under this heading in Public Law 103–333, $700,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH RESOURCES AND SERVICES ADMINISTRATION
HEALTH RESOURCES AND SERVICES
(RECISISON)
Of the funds made available under this heading in Public Law 103–333, $41,350,000 are rescinded.

CENTER FOR DISEASE CONTROL AND PREVENTION
DISEASE CONTROL, RESEARCH, AND TRAINING
(RECISISON)
Of the funds made available under this heading in Public Law 103–333, $2,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CENTER FOR RESEARCH RESOURCES
(RECISISON)
Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $10,000,000 are rescinded.

BUILDINGS AND FACILITIES
(RECISISON)
Of the available balances under this heading, $60,000,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH
(RECISISON)
Of the funds made available under this heading in Public Law 103–333, $1,400,000 are rescinded.
PUBLIC LAW 104–19—JULY 27, 1995

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RECISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.  

- $3,132,000

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RECISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,187,435,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

- 19,700,000

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RECISSION)

Of the funds made available under this heading in Public Law 103–333, there is rescinded an amount equal to the total of the funds within each State’s limitation for fiscal year 1995 that are not necessary to pay such State’s allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the “and”: “reduced by an amount equal to the total of those funds that are within each State’s limitation for fiscal year 1995 that are not necessary to pay such State’s allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),”.

- 330,000,000

LOW INCOME HOME ENERGY ASSISTANCE

(RECISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103–333, $319,204,000 are rescinded: Provided, That of the funds made available in the fourth paragraph under this heading in Public Law 103–333, $300,000,000 shall remain available until September 30, 1996.

- 319,204,000

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RECISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $2,000,000 are rescinded.

- 2,000,000

1 Fiscal year 1996.
Of the funds made available under this heading in Public Law 103–333, $13,387,000 are rescinded.

Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded.

[Total, – $15,287,000.]

Of the funds made available under this heading in Public Law 103–333 to be derived from the Violent Crime Reduction Trust Fund, $15,900,000 are rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994. Provided, That the funds remaining available for obligation after this rescission for carrying out this Act may only be used for entrepreneurship, academic, or tutorial programs or for work force preparation.

[Total, Administration for Children and Families, – $682,391,000.]

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

Of the funds made available under this heading in Public Law 103–333, $4,018,000 are rescinded.

[Total, Department of Health and Human Services, – $825,190,000.]

Of the funds made available under this heading in Public Law 103–333, $34,030,000 are rescinded, including $10,000,000 from funds made available for State and local education systemic improvement, and $21,530,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 from funds made available under the School-to-Work Opportunities Act for National programs.
EDUCATION FOR THE DISADVANTAGED
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,606,000 are rescinded from part E, section 1501 of the Elementary and Secondary Education Act.

SCHOOL IMPROVEMENT PROGRAMS
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $182,940,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $15,981,000, title V–C, $16,000,000, title IX–B, $3,000,000, title X–D, $1,500,000, title X–G, $1,185,000, section 10602, $1,399,000, title XII, $35,000,000, and title XIII–A, $14,900,000; from the Higher Education Act, section 596, $13,875,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

BILINGUAL AND IMMIGRANT EDUCATION
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $38,500,000 are rescinded from funding for title VII–A of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $90,607,000 are rescinded as follows: From the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and III–B, $43,888,000, and from title IV–A, IV–B and IV–C, $23,434,000; from the Adult Education Act, part B–7, $7,787,000 and part C, section 371, $6,000,000; and from the Stewart B. McKinney Homeless Assistance Act, $9,498,000.

STUDENT FINANCIAL ASSISTANCE
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $85,000,000 are rescinded from funding for the Higher Education Act, title IV, including $65,000,000 from part A–1 and $20,000,000 from part H–1: Provided, That of the funds remaining under this heading from Public Law 103–333, $6,178,680,000 shall be for part A–1.

HIGHER EDUCATION
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $43,472,000 are rescinded as follows: From amounts available for Public Law 99–498, $500,000; the Higher Education
Act, title IV–A, chapter 5, $496,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $942,000, title IX–E, $3,520,000, title IX–G, $1,698,000, title X–D, $2,920,000, and title XI–A, $3,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $3,121,000: Provided, That in carrying out title IX–B, the remaining appropriations shall not be available for awards for doctoral study: Provided further, That the funds remaining for Public Law 99–498 shall be available only for native Alaskans.

HOWARD UNIVERSITY
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,800,000 are rescinded.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $264,000 appropriated for administrative expenses are rescinded.  
[Total, – $432,000.]

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $30,925,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–A, $17,500,000, title III–B, $5,000,000, title III–D, $1,125,000, title X–B, $4,600,000 and title XIII–B, $2,700,000: Provided, That of the amount made available under this heading in Public Law 103–333, for title III–B, $8,000,000 shall be reserved for additional projects that competed in the most recent competition for statewide fiber-optics projects.  
[Total, Department of Education, – $512,312,000.]

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING
(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $37,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $55,000,000 are rescinded.

RAILROAD RETIREMENT BOARD
DUAL BENEFITS PAYMENTS ACCOUNT
(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.  
[Total, Related Agencies, – $99,000,000.]

1 Fiscal year 1996.
2 Fiscal year 1997.
PUBLIC LAW 104-19—JULY 27, 1995

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking “$345,000,000” and inserting “$284,000,000”;

and

(2) by striking “$2,500,000,000” and inserting “$2,439,000,000”.

SEC. 602. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer-reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

[Total, Chapter VI, $2,949,457,000.]

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

[Total, Joint items, $698,137.]

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.
CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITOL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

[Total, Capitol Buildings and Grounds, $2,500,000.]

ADMINISTRATIVE PROVISION

SEC. 701. Section 319 of the Legislative Branch Appropriations Act, 1990 (40 U.S.C. 162–1) is amended—

(1) by striking out “Office” each place it appears and inserting in lieu thereof “office”;

(2) in the second sentence of subsection (a)(2), by striking out “Commission” and inserting in lieu thereof “commission”;

and

(3) in subparagraph (D) of paragraph (2) of subsection (a), by striking out “Administration” and all that follows through the end of the subparagraph, and inserting in lieu thereof “Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.”.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

[Total, Government Printing Office, $5,600,000.]

1 In addition $3,000,000 transferred from Botanic Gardens to Capitol Complex Security Enhancements.
PUBLIC LAW 104–19—JULY 27, 1995

BOTANIC GARDEN

SALARIES AND EXPENSES

(RECISISON AND TRANSFER OF FUNDS)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 are rescinded.

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $3,000,000 shall be transferred to the appropriation “Architect of the Capitol, Capitol Buildings and Grounds, Capitol Complex Security Enhancements”, and shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RECISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RECISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

[Total, Library of Congress, – $250,000.]

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RECISSION)

Of the funds made available under this heading in Public Law 103–283, $2,617,000 are rescinded.

ADMINISTRATIVE PROVISION

Sec. 702. The General Accounting Office may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before October 1, 1995, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

[Total, Chapter VII (net), – $16,368,537.]
The obligation authority under this heading in Public Law 103-331 is hereby reduced by $6,000,000.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)
(RESCission OF CONTRACT AUTHORIZATION)

-5,300,000 Of the funds made available under this account, $5,300,000 are rescinded: Provided, That the Secretary shall not enter into any contracts for “Small Community Air Service” beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation. [Total, Office of the Secretary, – $11,300,000.]

COAST GUARD
OPERATING EXPENSES
(RESCission)

-4,300,000 Of the amounts provided under this heading in Public Law 103-331, $4,300,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS
(RESCission)

-35,314,000 Of the available balances under this heading, $35,314,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION
(RESCission)

-2,500,000 Of the available balances under this heading, $2,500,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(RESCission)

-1,000,000 Of the available balances under this heading, $1,000,000 are rescinded.
DISASTER ASSISTANCE SUPPLEMENTAL, 1995

PUBLIC LAW 104–19—JULY 27, 1995

109 STAT.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION)
Of the available balances under this heading, $24,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION)
Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS
(AIRPORT AND AIRWAY TRUST FUND)
(RESCSSION OF CONTRACT AUTHORIZATION)
Of the available contract authority balances under this account, $2,094,000,000 are rescinded.

[Federal Aviation Administration, $2,127,350,000.]

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON GENERAL OPERATING EXPENSES
(RESCISSION OF CONTRACT AUTHORIZATION)
The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $54,550,000.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(RESCISSIONS OF CONTRACT AUTHORIZATION)
The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $132,190,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $54,550,000 shall be deducted from the limitation on General Operating Expenses: Provided, That the amounts deducted from the aforementioned programs are rescinded.

1 Limitation.
2 Limitation on obligation.

23 USC 104 note.

¥ 24,850,000
¥ 7,500,000
¥ 2,094,000,000
¥ 2,127,350,000
¥ 54,550,000
¥ 132,190,000
PUBLIC LAW 104–19—JULY 27, 1995

FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)
(RECISIION)

Of the amounts provided under this heading in Public Law 103–211, $100,000,000 are rescinded.
[Total, Federal Highway Administration, − $232,190,000.]

FEDERAL RAILROAD ADMINISTRATION
OFFICE OF THE ADMINISTRATOR
(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting “and received from the Delaware and Hudson Railroad,” after “amended.”

NORTH EAST CORRIDOR IMPROVEMENT PROGRAM
(RECISIION)

Of the available balances under this heading, $9,707,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM
(HIGHWAY TRUST FUND)
(RECISIION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.
[Total, Federal Railroad Administration, − $259,707,000.]

FEDERAL TRANSIT ADMINISTRATION
TRANSIT PLANNING AND RESEARCH
(RECISIION)

Of the available balances under this heading, $7,000,000 are rescinded.

DISCRETIONARY GRANTS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(RECISIIONS OF CONTRACT AUTHORIZATION)

Notwithstanding section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $31,681,500, to be distributed as follows:
(a) $1,281,500 is rescinded from amounts made available for replacement, rehabilitation, and purchase of buses and
provided, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and
(b) $30,400,000 is rescinded from amounts made available for new fixed guideway systems, to be distributed as follows:
$1,000,000, Cleveland Dual Hub Corridor Project;
$465,000, Kansas City-South LRT Project;
$950,000, San Diego Mid-Coast Extension Project;
$17,100,000, Hawthorne-Warwick Commuter Rail Project;
$375,000, New York Staten Island Midtown Ferry Project;
$4,000,000, San Jose-Gilroy Commuter Rail Project;
$1,620,000, Seattle-Tacoma Commuter Rail Project;
and
$4,890,000, Detroit LRT Project.
Public Law 101-516, $2,230,000, to be distributed as follows:
(a) $2,230,000 is rescinded from amounts made available for new fixed guideway systems, for the Cleveland Dual Hub Corridor Project.
[Total, – $33,911,500.]

MASS TRANSIT CAPITAL FUND
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred in carrying out section 5338(b) of title 49, United States Code, $350,000,000, to be derived from the Highway Trust Fund and to remain available until expended.
[Total, Federal Transit Administration, – $40,911,500.]

GENERAL PROVISIONS
(INCLUDING RESCISSIONS)

Sec. 801. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $6,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103-331 to no more than $87,000,000.

Sec. 802. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $15,000,000 are permanently canceled.

Sec. 803. Section 326 of Public Law 103-122 is hereby amended to delete the words “or previous Acts” each time they appear in that section.
[Total, Chapter VIII (net), – $2,728,572,500.]

1 Liquidation of contract authority.
Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for “Government payment for annuitants, employee life insurance”, $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

In the paragraph under this heading in Public Law 103–329, delete “of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities;”.

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $11,000,000, to remain available until September 30, 1996.

In the paragraph under this heading in Public Law 103–329, delete “first-aid and emergency” and insert “short-term” before “medical services”.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103-123, $5,000,000...
are rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103-329, $6,000,000 are rescinded: Provided, That $1,000,000 of the remaining funds made available under Public Law 103-123 shall be used to initiate design and construction of a Burn Building at the Training Center in Glynco, Georgia. 

[Total, – $11,000,000.]

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded. 

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT
(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $1,500,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

In the paragraph under this heading in Public Law 103-329, insert “not to exceed” after “of which”.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS
(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after “$119,000,000”, insert “annually”.

[Total, Department of the Treasury, – $3,250,000.]

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.
PUBLIC LAW 104–19—JULY 27, 1995

DISASTER ASSISTANCE SUPPLEMENTAL, 1995

109 STAT.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, “Salaries and expenses” for carrying out border enforcement activities: Provided, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded. [Total, Executive Office of the President, – $171,000.]

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 102–393, 103–123, 103–329, $631,412,000 are rescinded from the following projects in the following amounts:

Arizona:
  Bullhead City, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000.
  Lukeville, commercial lot expansion, $1,219,000.
  Nogales, U.S. Border Patrol Sector, headquarters, $2,000,000.
  Phoenix, U.S. Courthouse, $12,137,000.
  San Luis, primary lane expansion and administrative office space, $3,496,000.
  Sierra Vista, U.S. Magistrates office, $1,000,000.

California:
  Menlo Park, United States Geological Survey, Office laboratory building, $790,000.
  San Francisco, Federal Office Building, $9,701,000.

District of Columbia:
  Central and West heating plants, $5,000,000.
  Corps of Engineers, headquarters, $37,618,000.
  General Services Administration, Southeast Federal Center, headquarters, $25,000,000.
  U.S. Secret Service, headquarters, $9,316,000.

Florida:
  Tampa, U.S. Courthouse, $5,994,000.

Georgia:
  Albany, U.S. Courthouse, $87,000.
  Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000.
  Atlanta, Centers for Disease Control, $14,110,000.

Hawaii:
  University of Hawaii-Hilo, Consolidation, $12,000,000.

Illinois:
  Chicago, Social Security Administration District Office, $2,130,000.
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Chicago, Federal Center, $29,753,000.
Chicago, John C. Kluczynski, Jr., Federal building, $13,414,000.
Maryland:
Avondale, De LaSalle building, $16,671,000.
Montgomery County, FDA consolidation, $228,000,000.
Woodlawn, SSA East High-Low building, $17,292,000.
Massachusetts:
Boston, Federal building-U.S. Courthouse, $4,076,000.
Nevada:
Reno, Federal building-U.S. Courthouse, $1,465,000.
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000.
New Jersey:
Newark, parking facility, $8,500,000.
New Mexico:
Santa Teresa, Border Station, $4,004,000.
North Dakota:
Fargo, Federal building-U.S. Courthouse, $1,371,000.
Ohio:
Steubenville, U.S. Courthouse, $2,820,000.
Oregon:
Portland, U.S. Courthouse, $5,000,000.
Pennsylvania:
Philadelphia, Veterans Administration, $1,276,000.
Texas:
Ysleta, site acquisition and construction, $1,727,000.
United States Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000.
Washington:
Seattle, U.S. Courthouse, $10,949,000.
Walla Walla, Corps of Engineers building, $2,800,000.
West Virginia:
Wheeling, Federal building and U.S. Courthouse, $28,303,000.
Nationwide:
Chlorofluorocarbons program, $33,300,000.
Energy program, $45,300,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,396,000 are rescinded.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.
GENERAL PROVISIONS

SEC. 901. Section 5545a of title 5, United States Code, is amended—
(1) in subsection (a)(2)—
(A) in the matter before subparagraph (A) by striking "is required to" and inserting in lieu thereof "who is required to"; and
(B) by inserting "and" immediately after subparagraph (E)(v); and
(2) by adding at the end thereof the following new subsection:
"(j) Notwithstanding any other provision of this section, any Office of Inspector General which employs fewer than 5 criminal investigators may elect not to cover such criminal investigators under this section."

SEC. 902. (a) Section 5545a of title 5, United States Code, is amended by inserting at the appropriate place the following new subsection:
"(i) The provisions of subsections (a)--(h) providing for availability pay shall apply to a pilot employed by the United States Customs Service who is a law enforcement officer as defined under section 5541(3). For the purpose of this section, section 5542(d) of this title, and section 13(a)(16) and (b)(30) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(16) and (b)(30)), such pilot shall be deemed to be a criminal investigator as defined in this section. The Office of Personnel Management may prescribe regulations to carry out this subsection."

(b) The amendment made by subsection (a) of this section shall take effect on the first day of the first applicable pay period which begins on or after the 30th day following the date of enactment of this Act.

SEC. 903. Section 528 of Public Law 103–329 is amended by adding at the end a new proviso: "Provided further, That the amount set forth therefor in the budget estimates may be exceeded by no more than 5 percent in the event of emergency requirements."

[Total, Chapter IX (net), – $630,369,000.]

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for “Disaster Relief” for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,275,000,000, to remain available until expended: Provided, 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.
DISASTER ASSISTANCE SUPPLEMENTAL, 1995

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DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,275,000,000,000, to become available on October 1, 1995, and remain available until expended: Provided, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: 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.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the “Salaries and expenses” appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the “Emergency management planning and assistance” appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

[Total, $5,331,000.]
[Total, Federal Emergency Management Agency, $6,550,000,000.]

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: Provided, That section 509 of the general provisions carried in title V of Public Law 103–327 regarding personnel compensation and benefits expenditures shall not apply to the funds provided under this heading in such Act.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $31,000,000 are rescinded. [Total, Department of Veterans Affairs, – $81,000,000.]
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $5,131,400,000 are rescinded:

Provided, That of the total rescinded under this heading, $700,600,000 shall be from amounts earmarked for development or acquisition costs of public housing (including $80,000,000 of funds for public housing for Indian families), except that such rescission shall not apply to funds for priority replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937, as amended (hereinafter referred to as “the Act”)) from the existing public housing inventory, as determined by the Secretary, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1974 and notwithstanding any other provision of law, the Secretary may recapture unobligated funds for development or acquisition costs of public housing (including public housing for Indians) irrespective of the length of time funds have been reserved or of any time extension previously granted by the Secretary; $1,956,000,000 shall be from amounts earmarked for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), excluding $300,000,000 previously made available for the Economic Development Initiative (EDI), and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement “mixed population” plans for developments housing primarily elderly residents; $815,000,000 shall be from amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, and the Secretary shall take actions necessary to assure that such rescission is distributed among public housing authorities, as if such rescission occurred prior to the commencement of the fiscal year; $22,000,000 shall be from amounts earmarked for special purpose grants;
$148,300,000 shall be from amounts earmarked for loan management set-asides; $15,000,000 shall be from amounts earmarked for the family unification program; $15,000,000 shall be from amounts earmarked for the housing opportunities for persons with AIDS program; $34,200,000 shall be from amounts earmarked for lease adjustments; $39,000,000 shall be from amounts previously made available under this head in Public Law 103-327, and previous Acts, which are recaptured (in addition to other sums which are, or may be recaptured); $70,000,000 shall be from amounts earmarked for section 8 counseling; $50,000,000 shall be from amounts earmarked for service coordinators; $66,000,000 shall be from amounts earmarked for family investment centers; $85,300,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; and $1,115,000,000 shall be from funds available for all new incremental units (including funds previously reserved or obligated and recaptured for the development or acquisition costs of public housing (including public housing for Indian families), incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f), and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)) and non-incremental, unobligated balances: Provided further, That in allocating this $1,115,000,000 rescission, the Secretary may reduce the appropriations needs of the Department by (1) waiving any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate and (2) managing and disposing of HUD-owned and HUD-held multifamily properties without regard to any other provision of law: Provided further, That the Secretary shall submit to the appropriate committees of the Congress a detailed operating plan of proposed funding levels for activities under this account within 30 days of enactment of this Act, and such funding levels shall not be subject to pre-existing earmarks or set-asides, notwithstanding any other provision of law.

(DEFERRAL)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $405,900,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: Provided, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications.

$405,900,000
ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, and in prior years, $1,177,000,000 are rescinded:
Provided, That renewals of expiring section 8 contracts with funds provided under this heading in Public Law 103–327, and in prior years, may be for a term of two years. In renewing an annual contributions contract with a public housing agency administering the tenant-based existing housing certificate program (42 U.S.C. 1437f) or the housing voucher program under section 8(o) (42 U.S.C. 1437f(o)) of the United States Housing Act of 1937, as amended, the Secretary shall take into account the amount in the project reserve under the contract being renewed in determining the amount of budget authority to obligate under the renewed contract (the total amount available in all such project reserves is estimated to be $427,000,000) and the Secretary may determine not to apply section 8(o)(6)(B) of the Act to renewals of housing vouchers during the remainder of fiscal year 1995.

CONGREGATE SERVICES
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $37,000,000 are rescinded.

YOUTHBUILD PROGRAM
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $10,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

FLEXIBLE SUBSIDY FUND
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, and excess rental charges, collections and other amounts in the fund, $8,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND
(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $10,500,000 are rescinded.

[Total, Housing Programs, – $6,461,900,000.]
The funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

Administrative Provisions

SEC. 1001. (a) Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

“(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity related to public housing which is currently authorized by this Act or applicable appropriations Acts for a public housing agency, including the demolition of existing units, for replacement housing, modernization activities related to the public housing portion of housing developments held in partnership, or cooperation with non-public housing entities, and for temporary relocation assistance, provided that the assistance provided to the public housing agency under section 14 is principally used for the physical improvement or replacement of public housing and for associated management improvements, except as otherwise approved by the Secretary, and provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing developments. The public housing agency shall establish procedures for consultation with local government officials and tenants, and shall follow applicable regulatory procedures as determined by the Secretary.

“(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.”.

(b) Subsection (a) shall be effective for assistance appropriated on or before the effective date of this Act.

SEC. 1002. (a) Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting “and” at the end of subsection (b)(1);

(2) striking all that follows after “Act” in subsection (b)(2) and inserting in lieu thereof the following: “, and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated.”;

(3) striking subsection (b)(3);

(4) striking “(1)” in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: “: Provided, That nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of

Effective date.

42 USC 1437l.

42 USC 1437l. note.

42 USC 1437p.
improving the living conditions of or providing more efficient services to its tenants”;

(7) striking “under section (b)(3)(A)” in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

“(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or in the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.”.

(b) Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

(c) Section 5(h) of the United States Housing Act of 1937 is amended by striking the last sentence.

(d) Subsections (a), (b), and (c) shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995: Provided, That no application for replacement housing submitted by a public housing agency to implement a final order of a court issued, or a settlement approved by a court, before enactment of this Act, shall be affected by such amendments.

SEC. 1003. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

“(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

“(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

“(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

“(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section, for relocation of families occupying units formerly assisted under the terminated contract.

“(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

“(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.”.

ELIGIBILITY OF STATE AND LOCAL PUBLIC HOUSING UNITS FOR COMPREHENSIVE GRANTS

SEC. 1003A. The first sentence of section 14(k)(2)(D)(i) of the United States Housing Act of 1937 is amended by striking “shall”
and inserting the following: "shall, except as otherwise agreed by the Secretary and the agency."

[Total, Department of Housing and Urban Development, \(-6,461,900,000\).]

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, \(50,000,000\), to remain available until September 30, 1996: Provided, That of the funds made available under this heading not to exceed \(4,000,000\) may be used for the cost of direct loans, and not to exceed \(400,000\) may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \(31,600,000\): Provided further, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspector general: Provided further, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): Provided further, That the number of staff funded under this heading shall not exceed 10 full-time equivalents: Provided further, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, \(500,000\) are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, \(124,000,000\) are rescinded and any unobligated funds as of June 30, 1995 are also rescinded.
Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $105,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: Provided, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,077,200,000 are rescinded: Provided, That $1,074,000,000 of this amount is to be derived from amounts appropriated for State revolving funds and $3,200,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

Administrative Provisions

Sec. 1004. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any State to comply with the require-
ment of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a State chooses to submit one to meet that requirement.

SEC. 1005. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1995.

SEC. 1006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 1007. None of the funds made available in any appropriations Act for fiscal year 1995 shall be spent by the Environmental Protection Agency to disapprove a State implementation plan (SIP) revision solely on the basis of the Agency's regulatory 50 percent discount for alternative test-and-repair inspection and maintenance programs. Notwithstanding any other provision of EPA's regulatory requirements, the EPA shall assign up to 100 percent credit when such State has provided data for the proposed inspection and maintenance system that demonstrates evidence that such credits are appropriate. The Environmental Protection Agency shall complete and present a technical assessment of the State's demonstration within 45 days after submittal by the State.

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under “Research and Development” in prior years, $95,000,000 are rescinded.

CONSTRUCTION OF FACILITIES
(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and of any unobligated balances from funds appropriated under this heading in prior years, $7,000,000 are rescinded.

Total, $34,000,000.
Of the funds made available under this heading in Public Law 103–327, $32,000,000 are rescinded.

Of the available balances under this heading in previous fiscal years, $43,000,000 are rescinded.

The Administrator is authorized to acquire, for no more than $35,000,000, a certain parcel of land, together with existing facilities, located on the site of the property referred to as the Clear Lake Development Facility, Clear Lake, Texas. The land and facilities in question comprise approximately 13 acres and include a Light Manufacturing Facility, an Avionics Development Facility, and an Assembly and Test Building which shall be modified for use as a Neutral Buoyancy Laboratory in support of human space flight activities.

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

SEC. 2001. (a) DEFINITIONS.—For purposes of this section:

(1) The term "appropriate committees of Congress" means the Committee on Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.
(2) The term "emergency period" means the period beginning on the date of the enactment of this section and ending on September 30, 1997.

(3) The term "salvage timber sale" means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(4) The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to lands within the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands under the jurisdiction of the Bureau of Land Management.

(b) COMPLETION OF SALVAGE TIMBER SALES.—

(1) SALVAGE TIMBER SALES.—Using the expedited procedures provided in subsection (c), the Secretary concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands described in subsection (a)(4). During the emergency period, the Secretary concerned is to achieve, to the maximum extent feasible, a salvage timber sale volume level above the programmed level to reduce the backlogged volume of salvage timber. The preparation, advertisement, offering, and awarding of such contracts shall be performed utilizing subsection (c) and notwithstanding any other provision of law, including a law under the authority of which any judicial order may be outstanding on or after the date of the enactment of this Act.

(2) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

(3) SALES IN PREPARATION.—Any salvage timber sale in preparation on the date of the enactment of this Act shall be subject to the provisions of this section.

(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

(1) SALE DOCUMENTATION.—

(A) PREPARATION.—For each salvage timber sale conducted under subsection (b), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) (including regulations implementing such section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations. A document embodying decisions relating to salvage timber sales proposed under authority of this section shall, at the sole discretion of the Secretary concerned and to the extent the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber...
sale and the effect, if any, on threatened or endangered species, and to the extent the Secretary concerned, at his sole discretion, considers appropriate and feasible, be consistent with any standards and guidelines from the management plans applicable to the National Forest or Bureau of Land Management District on which the salvage timber sale occurs.

(B) USE OF EXISTING MATERIALS.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) before the date of the enactment of this Act, a biological evaluation written before such date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale.

(C) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(2) REPORTING REQUIREMENTS.—Not later than August 30, 1995, the Secretary concerned shall submit a report to the appropriate committees of Congress on the implementation of this section. The report shall be updated and resubmitted to the appropriate committees of Congress every six months thereafter until the completion of all salvage timber sales conducted under subsection (b). Each report shall contain the following:

(A) The volume of salvage timber sales sold and harvested, as of the date of the report, for each National Forest and each district of the Bureau of Land Management.

(B) The available salvage volume contained in each National Forest and each district of the Bureau of Land Management.

(C) A plan and schedule for an enhanced salvage timber sale program for fiscal years 1995, 1996, and 1997 using the authority provided by this section for salvage timber sales.

(D) A description of any needed resources and personnel, including personnel reassignments, required to conduct an enhanced salvage timber sale program through fiscal year 1997.

(E) A statement of the intentions of the Secretary concerned with respect to the salvage timber sale volume levels specified in the joint explanatory statement of managers accompanying the conference report on H.R. 1158, House Report 104–124.

(3) ADVANCEMENT OF SALES AUTHORIZED.—The Secretary concerned may begin salvage timber sales under subsection (b) intended for a subsequent fiscal year before the start of such fiscal year if the Secretary concerned determines that performance of such salvage timber sales will not interfere with salvage timber sales intended for a preceding fiscal year.

(4) DECISIONS.—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1).
to achieve, to the maximum extent feasible, a salvage timber sale volume level above the program level.

(5) SALE PREPARATION.—

(A) USE OF AVAILABLE AUTHORITY.—The Secretary concerned shall make use of all available authorities, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under subsection (b).

(B) EXEMPTIONS.—The preparation, solicitation, and award of salvage timber sales under subsection (b) shall be exempt from—

(i) the requirements of the Competition in Contracting Act (41 U.S.C. 253 et seq.) and the implementing regulations in the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) and any departmental acquisition regulations; and

(ii) the notice and publication requirements in section 18 of such Act (41 U.S.C. 416) and 8(e) of the Small Business Act (15 U.S.C. 637(e)) and the implementing regulations in the Federal Acquisition Regulations and any departmental acquisition regulations.

(C) INCENTIVE PAYMENT RECIPIENTS; REPORT.—The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 5 U.S.C. 5597 note) shall not apply to any former employee of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph. The Director of the Office of Personnel Management and the Secretary concerned shall provide a summary report to the appropriate committees of Congress, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies involved of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provisions of such Act. This report shall not be conducted in a manner that would delay the rehiring of any former employees under this paragraph, or affect the normal confidentiality of Federal employees.

(6) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

(7) EFFECT OF SALVAGE SALES.—The Secretary concerned shall not substitute salvage timber sales conducted under subsection (b) for planned non-salvage timber sales.

(8) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case
later than any applicable restocking period required by law or regulation.

(9) Effect on Judicial Decisions.—The Secretary concerned may conduct salvage timber sales under subsection (b) notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section.

(d) Direction To Complete Timber Sales on Lands Covered by Option 9.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary concerned shall expeditiously prepare, offer, and award timber sale contracts on Federal lands described in the “Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl”, signed by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994. The Secretary concerned may conduct timber sales under this subsection notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section. The issuance of any regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to ease or reduce restrictions on non-Federal lands within the range of the northern spotted owl shall be deemed to satisfy the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), given the analysis included in the Final Supplemental Impact Statement on the Management of the Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, prepared by the Secretary of Agriculture and the Secretary of the Interior in 1994, which is, or may be, incorporated by reference in the administrative record of any such regulation. The issuance of any such regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(e) Administrative Review.—Salvage timber sales conducted under subsection (b), timber sales conducted under subsection (d), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

(f) Judicial Review.—

(1) Place and time of filing.—A salvage timber sale to be conducted under subsection (b), and a timber sale to be conducted under subsection (d), shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale. The Secretary concerned may not agree to, and a court may not grant, a waiver of the requirements of this paragraph.

(2) Effect of filing on agency action.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b) or a timber sale to be conducted under subsection (d), the Secretary concerned shall take no action to award the challenged sale.

(3) Prohibition on restraining orders, preliminary injunctions, and relief pending review.—No restraining
order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage timber sale pursuant to subsection (b) or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

(4) Standard of Review.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a review of the record that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (i)).

(5) Time for Decision.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date. The court shall render its final decision relative to any challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(6) Procedures.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(7) Appeal.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

(g) Exclusion of Certain Federal Lands.—

(1) Exclusion.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

(2) Description of Excluded Lands.—The lands referred to in paragraph (1) are as follows:

(A) Any area on Federal lands included in the National Wilderness Preservation System.
(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.
(C) Any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of the enactment of this Act.
(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

(h) Rulemaking.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

(i) Effect on Other Laws.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to sub-
section (b) and any timber sale under subsection (d) shall be deemed to satisfy the requirements of the following applicable Federal laws (and regulations implementing such laws):

(7) Any compact, executive agreement, convention, treaty, and international agreement, and implementing legislation related thereto.
(8) All other applicable Federal environmental and natural resource laws.

(j) EXPIRATION DATE.—The authority provided by subsections (b) and (d) shall expire on December 31, 1996. The terms and conditions of this section shall continue in effect with respect to salvage timber sale contracts offered under subsection (b) and timber sale contracts offered under subsection (d) until the completion of performance of the contracts.

(k) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other provision of law, within 45 days after the date of enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms, volumes, and bid prices, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745). The return of the bid bond of the high bidder shall not alter the responsibility of the Secretary concerned to comply with this paragraph.

(2) THREATENED OR ENDANGERED BIRD SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered bird species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of the enactment of this Act, the Secretary concerned shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract and shall not count against current allowable sale quantities.

(l) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any administrative action, including revisions, amendment, consultation, supplementation, or other action, in or for any land management plan, standard, guideline, policy, regional guide, or multiforest plan because of implementation or impacts, site-specific or cumulative,
of activities authorized or required by this section, except that any such administrative action with respect to salvage timber sales is permitted to the extent necessary, at the sole discretion of the Secretary concerned, to meet the salvage timber sale goal specified in subsection (b)(1) of this section or to reflect the effects of the salvage program. The Secretary concerned shall not rely on salvage timber sales as the basis for administrative action limiting other multiple use activities nor be required to offer a particular salvage timber sale. No project decision shall be required to be halted or delayed by such documents or guidance, implementation, or impacts.

Sec. 2002. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

Sec. 2003. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions of this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION


Sec. 2005. July 27 of each year until the year 2003 is designated as “National Korean War Veterans Armistice Day”, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27 of each year until the year 2003 in honor of the Americans who died as a result of their service in Korea.

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

Sec. 2006. (a) In General.—None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction
of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

(b) Actions To Determine Lawful Status.—Each Federal entity or official receiving funds under this Act shall take reasonable actions to determine whether any individual who is seeking any benefit or assistance subject to the limitation established in subsection (a) is lawfully within the United States.

(c) Nondiscrimination.—In the case of any filing, inquiry, or adjudication of an application for any benefit or assistance subject to the limitation established in subsection (a), no Federal entity or official (or their agent) may discriminate against any individual on the basis of race, color, religion, sex, age, or disability.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCissions)

SEC. 2007. (a) Of the funds available to the agencies of the Federal Government, other than the Department of Defense—Military, $325,000,000 are hereby rescinded: Provided, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Of the funds available to the Department of Defense—Military, $50,000,000 are hereby rescinded: Provided, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every agency, department, and office.

(c) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

[Total, $375,000,000.]
[Total, Title II (net), $406,169,000.]
There is hereby established the Counterterrorism Fund which shall remain available without fiscal year limitation. For necessary expenses, as determined by the Attorney General, $34,220,000, to remain available until expended, is appropriated to the Counterterrorism Fund to reimburse any Department of Justice organization for the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as the result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorism event: Provided, That funds from this appropriation also may be used to reimburse the appropriation account of any Department of Justice agency engaged in, or providing support to, countering, investigating or prosecuting domestic or international terrorism, including payment of rewards in connection with these activities, and to conduct a terrorism threat assessment of Federal agencies and their facilities: Provided further, That any amount obligated from appropriations under this heading may be used under the authorities available to the organization reimbursed from this appropriation: Provided further, That amounts in excess of the $10,555,000 made available for extraordinary expenses incurred in the Oklahoma City bombing for fiscal year 1995, shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Public Law 103-317: Provided further, 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.
PUBLIC LAW 104–19—JULY 27, 1995

109 STAT.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and other anti-terrorism efforts, $2,000,000, 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and other anti-terrorism efforts, including the establishment of a Domestic Counterterrorism Center, $77,140,000, 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

GENERAL PROVISIONS

SEC. 3001. Any funds made available to the Attorney General heretofore or hereafter in any Act shall not be subject to the spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General, and such approval may not be delegated.

SEC. 3002. Funds made available under this Act for this title for the Department of Justice are subject to the standard notification procedures contained in section 605 of Public Law 103–317. [Total, Department of Justice, $113,360,000.]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

COURT SECURITY

For an additional amount for “Court Security” to enhance security of judges and support personnel, $16,640,000, to remain available...
PUBLIC LAW 104-19—JULY 27, 1995

DISASTER ASSISTANCE SUPPLEMENTAL, 1995

109 STAT.

[Total, Chapter II, $130,000,000.]

CHAPTER II

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for emergency expenses of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and anti-terrorism efforts, including the President’s anti-terrorism initiative, $34,823,000, 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.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for the Federal response to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, $1,100,000, 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.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for emergency expenses of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and other anti-terrorism efforts, including the President’s anti-terrorism initiative, $6,675,000, 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.
For an additional amount for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, $1,000,000, 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.

[Total, Department of the Treasury, $43,598,000.]

INDEPENDENT AGENCY
GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The aggregate limitation on Federal Buildings Fund obligations established under this heading in Public Law 103-329 (as otherwise reduced pursuant to this Act) is hereby increased by $66,800,000, of which $40,400,000 shall remain available until expended for necessary expenses of real property management and related activities (including planning, design, construction, demolition, restoration, repairs, alterations, acquisition, installment acquisition payments, rental of space, building operations, maintenance, protection, moving of governmental agencies, and other activities) in response to the April 19, 1995, terrorist bombing attack at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

In carrying out such activities, the Administrator of General Services may (among other actions) exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building (or a portion thereof) to the State of Oklahoma, to the city of Oklahoma City, or to any Oklahoma public trust that has the city of Oklahoma City as its beneficiary and is designated by the city to receive such property. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);
(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); or
(3) any other Federal law establishing requirements or procedures for the disposal of Federal property:

Provided, That these funds shall not be available for expenses in connection with the construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for required expenses in connection with the development of a proposed prospectus: Provided further, That for additional amounts, to remain available until expended and to be deposited into the Federal Buildings Fund, for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City: for “Construction”, Oklahoma, Oklahoma City, Alfred P. Murrah Federal Building, demolition, $2,300,000; for “Minor Repairs and Alterations”, $3,300,000; for

1 Limitation.
PUBLIC LAW 104-19—JULY 27, 1995

“Rental of Space”, $8,300,000, to be used to lease, furnish, and equip replacement space; and for “Buildings Operations”, $12,500,000: Provided further, 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.

[Total, Chapter II, $43,598,000.]

[Limitation on availability of revenue, $66,800,000.]

CHAPTER III

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, $3,200,000, to remain available through September 30, 1996: Provided, That the entire amount is designated by the 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.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for “Community Development Grants”, as authorized by title I of the Housing and Community Development Act of 1974, $39,000,000, to remain available until expended to assist property and victims damaged and economic revitalization due to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, primarily in the area bounded on the south by Robert S. Kerr Avenue, on the north by North 13th Street, on the east by Oklahoma Avenue, and on the west by Shartel Avenue, and for reimbursement to the City of Oklahoma City, or any public trust thereof, for the expenditure of other Federal funds used to achieve these same purposes: Provided, That in administering these funds, and any Economic Development Grants and loan guarantees under section 108 of such Act used for economic revitalization activities in Oklahoma City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees, except for requirements related to fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds or guarantees, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by Oklahoma City or any other entity, or any categorical application for other Federal assistance: Provided further, That notwithstanding any other provision of law, such funds may be used for the repair and reconstruction of religious institution facili-
ties damaged by the explosion in the same manner as private nonprofit facilities providing public services: Provided further, 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.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $3,523,000, to increase Federal, State and local preparedness for mitigating and responding to the consequences of terrorism: 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.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for “Emergency Management Planning and Assistance”, $3,477,000, to increase Federal, State and local preparedness for mitigating and responding to the consequences of terrorism: 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.

This Act may be cited as the “Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995”.

[Total, FEMA, $7,000,000.]
[Total, Chapter III, $49,200,000.]
[Total, Title III, $222,798,000.]


LEGISLATIVE HISTORY—H.R. 1944;
June 29, considered and passed House.
June 30, July 20, 21, considered and passed Senate.
July 27, Presidential remarks.
July 28, Presidential statement.
Net grand total, Emergency Supplemental Appropriations Act of 1995 ................................................... $9,053,080,876

Fiscal year 1995:
- Appropriations ...................................................... (3,844,150,600)
- Rescissions ............................................................ (−15,761,027,476)

Fiscal year 1996:
- Appropriations ...................................................... (3,275,000,000)
- Rescissions ............................................................ (−356,204,000)
- Fiscal year 1997 (rescission) ................................... (−55,000,000)
- Reductions in limitations on obligations ................... (91,300,000)
- By transfer ............................................................. (12,160,950)
- Deferrals ............................................................... (702,900,000)

Consisting of:
- Department of Agriculture (net) .......................................................... −140,138,000
- Department of Commerce ................................................................. −142,000,000
- Department of Defense—Civil .............................................................. −70,000,000
- Department of Education ................................................................. −575,312,000
- Department of Energy ................................................................. −206,728,000
- Environmental Protection Agency .................................................. −1,284,641,805
- Foreign Assistance (net) ................................................................. 117,300,000
- General Government—Independent agencies (net) ................. 2,841,155,966
- FY 1996 (net) ................................................................. 3,238,000,000
- FY 1997 ................................................................. −55,000,000
- General Services Administration ...................................................... −631,412,000
- Department of Health and Human Services .................. −505,986,000
- FY 1996 ................................................................. −319,204,000
- Department of Housing and Urban Development (net) .... −6,419,700,000
- Department of the Interior ................................................................. −136,723,000
- The Judiciary (net) ................................................................. 1,140,000
- Department of Justice (net) ................................................................. 56,723,000
- Department of Labor ................................................................. −1,451,955,000
- Legislative Branch (net) ................................................................. −16,368,537
- National Aeronautics and Space Administration ................ −204,000,000
- Office of Personnel Management (net) .................. 5,960,000
- Railroad Retirement Board ................................................................. −7,000,000
- Small Business Administration ................................................................. −6,000,000
- Department of State ................................................................. −46,867,000
- Department of Transportation ......................................................... −2,728,572,500
- Department of the Treasury (net) .................. 90,348,000
- Department of Veterans Affairs ......................................................... −81,000,000
- Travel Expenses ................................................................. −375,000,000
AGRICULTURE, RURAL DEVELOPMENT, 
FOOD AND DRUG ADMINISTRATION, 
AND RELATED AGENCIES APPROPRIATION 
ACTS, 1996

PUBLIC LAW 104-37
AGRICULTURE APPROPRIATIONS, 1996

109 STAT. 104–37—OCT. 21, 1995

Public Law 104–37
104th Congress
An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I
AGRICULTURAL PROGRAMS
PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $10,227,000, of which $7,500,000 to remain available until expended, shall be available for InfoShare: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of the section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $3,948,000.
NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,846,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,899,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,133,000: Provided, That the Chief Financial Officer shall reinstate and market cross-servicing activities of the National Finance Center: Provided further, That none of the funds appropriated or otherwise made available by this Act shall be used to obtain, modify, re-engineer, license, operate, implement, or expand commercial off-the-shelf financial management software systems or existing commercial off-the-shelf system financial management contracts, beyond general ledger systems and accounting support software, at the National Finance Center until thirty legislative days after the Secretary of Agriculture submits to the House and Senate Committees on Appropriations a complete and thorough cost-benefit analysis and a certification by the Secretary of Agriculture that this analysis provides a detailed and accurate cost-benefit analysis comparison between obtaining or expanding commercial off-the-shelf software systems and conducting identical or comparable software systems acquisitions, re-engineering, or modifications in-house.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, $110,187,000, of which $20,216,000 shall be retained by the Department for the operation, maintenance, and repair of Agriculture buildings: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary...
of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $25,587,000, to remain available until expended; making a total appropriation of $135,774,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $650,000: Provided, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(including transfers of funds)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(including transfers of funds)

For Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, Disaster Management and Coordination, and Modernization of the Administrative Process, $27,986,000, to provide for necessary expenses for management support services to offices of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.
OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,797,000: Provided, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,355,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers’ bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,639,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: Provided, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $27,860,000.
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OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, $520,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $53,131,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,107,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $710,000,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.
or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Beckley, West Virginia: Provided further, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Under Secretary for Research, Education and Economics for the scientific review of international issues involving agricultural chemicals and food additives: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That all rights and title of the United States in the property known as USDA Houma Sugar Cane Research Laboratory, consisting of approximately 20 acres in the City of Houma and 150 acres of farmland in Chacahula, Louisiana, including facilities and equipment, shall be conveyed to the American Sugar Cane League Foundation: Provided further, That all rights and title of the United States in the Agricultural Research Station at Brawley, California, consisting of 80 acres of land, including facilities and equipment, shall be conveyed to Imperial County, California: Provided further, That all rights and title of the United States in the Pecan Genetics and Improvement Research Laboratory, consisting of 84.2 acres of land, including facilities and equipment, shall be conveyed to Texas A&M University: Provided further, That the property originally conveyed by the State of Tennessee to the U.S. Department of Agriculture, Agricultural Research Service, in Lewisburg, Tennessee be conveyed to the University of Tennessee.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $30,200,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

[Total, Agricultural Research Service, $740,200,000.]

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a-361l); $20,497,000 for grants for
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for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $49,846,000 for special grants for agricultural research (7 U.S.C. 450(c)); $9,769,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450(c)); $96,735,000 for competitive research grants (7 U.S.C. 450(b)); $5,051,000 for the support of animal health and disease programs (7 U.S.C. 3195); $650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants (7 U.S.C. 3331-3336); $3,500,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)); $1,000,000 for higher education minority scholars program (7 U.S.C. 3152(b)(5)); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382; and $10,337,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $421,929,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130-382 (7 U.S.C. 301 note), $4,600,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, $57,838,000, to remain available until expended (7 U.S.C. 2209b).

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooper-

\footnote{1 Funds are deposited into a Federal trust fund. Only interest against principal is available for use.}
tive extension agents and State extension directors, $268,493,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,510,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $2,943,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,313,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,782,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $936,000; payments for a groundwater quality program under section 3(d) of the Act, $11,065,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,203,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,850,000; payments for a food safety program under section 3(d) of the Act, $2,438,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,291,000; payments for Indian reservation agents under section 3(d) of the Act, $1,724,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,411,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661, note, 2662), $2,709,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $25,090,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,209,000; in all, $427,750,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year. 

[Total, Cooperative State Research, Education, and Extension Service, $907,517,000.]

Office of the Assistant Secretary for Marketing and Regulatory Programs

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $605,000.

Animal and Plant Health Inspection Service

Salaries and expenses

(Including Transfers of Funds)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-
c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, $331,667,000, of which $4,799,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That in fiscal year 1996, amounts in the agricultural quarantine inspection user fee account shall be available for authorized purposes without further appropriation: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That of the funds provided, the Secretary of Agriculture may provide for the funding of all fees or charges under section 2509 of Public Law 101-624, codified at 21 U.S.C. 136a(c), for any service related to the cost of providing import, entry, diagnostic and quarantine services in connection with the 1996 Summer Olympic Games to be held in Atlanta, Georgia.

In fiscal year 1996 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

[Total, $431,921,000.]

1 CBO estimate of user fees.
BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $8,757,000, to remain available until expended.

[Total, Animal and Plant Health Inspection Service, $440,678,000.]

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $46,517,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $58,461,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrol- lable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,451,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1996, no more than $23,900,000 in section 32 funds shall be used to promote sunflower and cottonseed oil exports as authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

1 CBO estimate of user fees collected.
2 Limitation on administrative expenses.
For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

[Total, Agricultural Marketing Service, $58,168,000.]

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,058,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $440,000.

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, $544,906,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one build-

1 Limitation on administrative expenses.
2 In addition, fees collected may be credited to this account.
Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Consolidated Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

Consolidated Farm Service Agency

Salaries and Expenses

For necessary expenses for carrying out the administration and implementation of programs administered by the Consolidated Farm Service Agency, $795,000,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

State Mediation Grants

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), $2,000,000.

Dairy Indemnity Program

(Including Transfers of Funds)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: Provided further,
That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $1,000,000, to remain available until expended.

[Total, Consolidated Farm Service Agency, $798,100,000.]

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $610,000,000, of which $550,000,000 shall be for guaranteed loans; operating loans, $2,450,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $750,00; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $34,053,000, of which $20,019,000 shall be for guaranteed loans; operating loans, $111,505,000, of which $18,360,000 shall be for unsubsidized guaranteed loans and $17,960,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $206,000; for emergency insured loans, $32,080,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $221,541,000, which shall be transferred to and merged with the following accounts in the following amounts: $208,446,000 to “Salaries and Expenses”; $318,000 to “Rural Utilities Service, Salaries and Expenses”; and $171,000 to “Rural Housing and Community Development Service, Salaries and Expenses”.

[Total, Agricultural Credit Insurance Fund, $399,385,000.]
[Total, Farm Assistance Programs, $1,198,034,000.]

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

1 Loan authorization consisting of $710,750,000 in direct loans and $2,450,000,000 in guaranteed loans.
PUBLIC LAW 104–37—OCT. 21, 1995

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1996, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $10,400,000,000 in the President's fiscal year 1996 Budget Request (H. Doc. 104-4)), but not to exceed $10,400,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1996, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

[Total, Corporations, $11,663,708,000.]
[Total, title I, Agricultural Programs, $16,032,325,000.]

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $677,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation,

1CBO estimate.
2Limitation on administrative expenses.
exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $629,986,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,852,000 is for snow survey and water forecasting and not less than $8,875,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): Provided further, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

**WATERSHED AND FLOOD PREVENTION OPERATIONS**

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,000,000, to remain available until expended (7 U.S.C. 2209b) (of which $15,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.
RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $29,000,000, to remain available until expended (7 U.S.C. 2209); Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $2,681,000, to remain available until expended (7 U.S.C. 2209b), to be used for the establishment of on-farm irrigation management systems, including lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and non-governmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1009), $14,000,000; Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.
WETLANDS RESERVE PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the wetlands reserve program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $77,000,000, to remain available until expended: Provided, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the wetlands reserve program.

[Total, Natural Resource Conservation Service, $858,992,000.]

CONSOLIDATED FARM SERVICE AGENCY
AGRICULTURAL CONSERVATION PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q), and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $75,000,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the agricultural conservation program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: Provided, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: Provided further, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: Provided further, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: Provided further, That not to exceed 5 percent of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Natural Resources Conservation Service for services
of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Natural Resources Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 percent may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: Provided further, That not to exceed $11,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

CONSERVATION RESERVE PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), $1,781,785,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

[Total, Consolidated Farm Service Agency, $1,856,785,000.]
[Total, title II, Conservation Programs, $2,716,454,000.]

TITLE III
RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Economic and Community Development to administer programs under the laws enacted by the Congress for the Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, and the Rural Utilities Service of the Department of Agriculture, $568,000.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing and Community Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $46,583,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $500,000 may be used for employment under 5 U.S.C. 3109.

1 Funds included in appropriation of $75,000,000.
RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $2,700,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,700,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $150,000,000 for section 515 rental housing; $600,000 for site loans: Provided, That notwithstanding section 520 of the Housing Act of 1949, the Secretary of Agriculture may make loans under section 502 of such Act for properties in the Pine View West Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under such section for properties in rural areas.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $148,723,000, of which $2,890,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $14,193,000; section 514 farm labor housing, $8,629,000; section 515 rental housing, $82,035,000: Provided, That no funds for new construction may be available for fiscal year 1996 until the program is authorized.

In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 515 loans and to become available for obligation only upon the enactment of authorizing legislation.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $385,889,000, of which $372,897,000 shall be transferred to and merged with the appropriation for "Rural Housing and Community Development Service, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $540,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 1996 shall be funded for a five-year period, although...
the life of any such agreement may be extended to fully utilize amounts obligated.

[Total, Rural Housing Insurance Fund, $1,180,369,000.]

**SELF-HELP HOUSING LAND DEVELOPMENT FUND**

For the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $31,000.

**COMMUNITY FACILITY LOANS PROGRAM ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $34,880,000, and for the cost of guaranteed loans, $3,555,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000 and total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000: Provided further, That of the amounts available for the cost of direct loans not to exceed $1,208,000, to subsidize gross obligations for the principal amount not to exceed $6,930,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized purposes under this head.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,836,000, of which $8,731,000 shall be transferred to and merged with the appropriation for “Salaries and Expenses”.

**VERY LOW-INCOME HOUSING REPAIR GRANTS**

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

**RURAL HOUSING FOR DOMESTIC FARM LABOR**

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,000,000, to remain available until expended.

**MUTUAL AND SELF-HELP HOUSING GRANTS**

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

1 Loan authorization consisting of $200,000,000 in direct loans and $75,000,000 in guaranteed loans.
For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $2,000,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

**COMPENSATION FOR CONSTRUCTION DEFECTS**

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

**RURAL HOUSING PRESERVATION GRANTS**

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $11,000,000.

[Total, Rural Housing and Community Development Service, $1,335,299,000.]

**RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE**

**SALARIES AND EXPENSES**

For necessary expenses of the Rural Business and Cooperative Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; $9,013,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $250,000 may be used for employment under 5 U.S.C. 3109.

**RURAL BUSINESS AND INDUSTRY LOANS PROGRAM ACCOUNT**

**(INCLUDING TRANSFERS OF FUNDS)**

For the cost of guaranteed loans, $6,437,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; Provided further, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: Provided further, That these funds are available to subsidize gross obligations for the principal amount of guaranteed loans of $500,000,000: Provided further, That of the amounts available for the cost of guaranteed loans including the cost of modifying loans, $148,000, to subsidize gross obligations for the loan principal, any part of which is guaranteed, not to exceed $10,842,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized activities under this head.

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1 Guaranteed loan authorization.
In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $14,868,000, of which $14,747,000 shall be transferred to and merged with the appropriation for “Salaries and Expenses”.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans, $22,395,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $37,544,000: Provided further, That through June 30, 1996, of these amounts, $4,322,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000, of which $1,470,000 shall be transferred to and merged with the appropriation for “Salaries and Expenses”.

[Total, $23,871,000.]

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $654,000, which shall be transferred to and merged with the appropriation for “Salaries and Expenses”.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $6,500,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

RURAL BUSINESS ENTERPRISE GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $45,000,000, of which $8,381,000 shall be available through June 30, 1996, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, after which any funds not obligated shall remain available for other authorized purposes under this head: Provided, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance.

1 Direct loan authorization.
and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $2,300,000, of which up to $1,300,000 may be available for the appropriate technology transfer for rural areas program.

[Total, Rural Business and Cooperative Development Service, $112,372,000.]

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(Including Transfers of Funds)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $90,000,000; 5 percent rural telephone loans, $70,000,000; cost of money rural telephone loans, $300,000,000; municipal rate rural electric loans, $525,000,000; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $35,126,000; cost of municipal rate loans, $56,858,000; cost of money rural telephone loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,520,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for “Salaries and Expenses”.

[Total, $124,546,000.]

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1996 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $5,023,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,541,000.

1 Direct loan authorization.
DISTANCE LEARNING AND MEDICAL LINK GRANTS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

RURAL UTILITIES ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $487,868,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: Provided, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, not to exceed $4,500,000 shall be available for contracting with the National Rural Water Association or equally qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $18,700,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $12,740,000, of which $12,623,000 shall be transferred to and merged with “Rural Utilities Service, Salaries and Expenses”.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, $18,449,000, of which $7,000 shall be available for financial credit reports: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $103,000 may be used for employment under 5 U.S.C. 3109.

[TOTAL, RURAL UTILITIES SERVICE, $659,667,000.]

[TOTAL, TITLE III, RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS, $2,107,906,000.]

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $440,000.
For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than section 21 of the National School Lunch Act and sections 17 and 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1772–1785, and 1789); $7,946,024,000, to remain available through September 30, 1997, of which $2,348,166,000 is hereby appropriated and $5,597,858,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That up to $3,964,000 shall be available for independent verification of school food service claims.

[Total, $7,946,024,000.]

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,729,807,000, to remain available through September 30, 1997: Provided, That for fiscal year 1996, $20,000,000 that would otherwise be available to States for nutrition services and administration shall be made available for food benefits: Provided further, That $4,000,000 from unobligated balances for supervisory and technical assistance grants may be transferred to and merged with this account: Provided further, That up to $6,750,000 may be used to carry out the farmers’ market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That once the amount for fiscal year 1995 carryover funds has been determined by the Secretary, any funds in excess of $100,000,000 may be transferred by the Secretary of Agriculture to the Rural Utilities Assistance Program and shall remain available until expended: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $27,597,828,000: Provided, That funds provided herein shall remain available through September 30, 1996, in accordance with section 18(a) of the Food Stamp Act: Provided further, That $500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or

1 Budget authority previously considered as “by transfer.”
workfare requirements as may be required by law: Provided further, That $1,143,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c(note)), the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $166,000,000, to remain available through September 30, 1997: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That none of the funds in this Act or any other Act may be used for demonstration projects in the emergency food assistance program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $215,000,000, to remain available through September 30, 1997: Provided, That hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,769,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

[Total, Food and Consumer Service, $39,762,428,000.]
[Total, title IV, Domestic Food Programs, $39,762,868,000.]

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate

1 Combines "Commodity Supplemental Food Program," "The Emergency Food Assistance Program," and "Soup Kitchens."
activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $124,775,000, of which $5,176,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation program account in this Act, and $1,005,000 may be transferred from the Public Law 480 program account in this Act: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392): Provided further, That none of the funds made available by this Act may be used to carry out activities of the market promotion program (7 U.S.C. 5623) which provides direct grants to any for-profit corporation that is not recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)), excluding cooperatives and associations as described in 7 U.S.C. 291 and non-profit trade associations: Provided further, That funds available to trade associations, cooperatives, and small businesses may be used for individual branded promotions; with the beneficiaries having matched the cost of such promotions.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

[Total, Program level, $124,775,000.]

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $25,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act, of which $60,000,000 shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465; and (4) $50,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

1 By transfer.
2 Direct loan authorization.
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In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,750,000.

[Total, Public Law 480, $1,134,012,000.]

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,200,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export credit guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM–102 and GSM–103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Consolidated Farm Service Agency.

[Total, CCC Export Loans Program Account, $377,728,000.]

[Total, title V, Foreign assistance and related programs, $1,627,542,000.]

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $904,694,000, of which not to exceed $84,723,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications

1 Guaranteed loan authorization.
2 Mandatory appropriation scored against authorizing committee by CBO.
3 Total appropriation of which $84,723,000 may be derived from user fees.
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received during fiscal year 1996 shall be subject to the fiscal year 1996 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,150,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: Provided, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

[TOTAL, Food and Drug Administration, $878,415,000.]

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $15,453,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $53,601,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia,

1 CBO estimate of user fee collections and expenditures for mammography facilities inspections.
and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

ADMINISTRATIVE PROVISION

Sec. 601. (a) For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Farm Credit Administration prior to the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b)(1) An individual who, on September 30, 1995, is covered by a health benefits plan administered by the Farm Credit Administration may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after September 30, 1995.

(2) An individual who, on September 30, 1995, is entitled to continued coverage under a health benefits plan administered by the Farm Credit Administration—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Farm Credit Administration; and

(B) may enroll in an approved health benefits plan described under sections 8903 or 8903a of such title in accordance with section 8905A of such title for coverage effective on and after September 30, 1995.

(3) An individual who, on September 30, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Farm Credit Administration and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on September 30, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage on and after September 30, 1995.

(c) The Farm Credit Administration shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Farm Credit Administration, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amount so transferred shall be held in the Fund and used by the Office in addition to the amounts available under section 8906(g)(1) of such title.

(d) The Office of Personnel Management—
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(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

[Total, title VI, Related Agencies and Food and Drug Administration, $947,469,000.]

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1996 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 642 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act shall be available for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and integrated systems acquisition project; Consolidated Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.
SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1995 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97-219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1996 shall remain available until expended to cover obligations made in fiscal year 1996 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds
the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) Sense of Congress; Requirement Regarding Notice.—

(1) Purchase of American-Made Equipment and Products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) Notice to Recipients of Assistance.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsey Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.

SEC. 718. Prohibition on Use of Funds for Honey Payments or Loan Forfeitures.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994, 1995, and 1996 crop years.

SEC. 719. None of the funds in this Act may be used to retire more than 5% of the Class A stock of the Rural Telephone Bank.

SEC. 720. None of the funds appropriated or otherwise made available by this Act may be used to provide benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 721. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 722. None of the funds made available in this Act shall be used to increase, from the fiscal year 1995 level, the level of Full Time Equivalency Positions (whether through new hires or by transferring full time equivalents from other offices) in any
of the following Food and Drug Administration offices: Office of the Commissioner, Office of Policy, Office of External Affairs (Immediate Office, as well as Office of Health Affairs, Office of Legislative Affairs, Office of Consumer Affairs, and Office of Public Affairs), and the Office of Management and Systems (Immediate Office, as well as Office of Planning and Evaluation and Office of Management).

Sec. 723. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to, the U.S. Mink Export Development Council or any mink industry trade association.

Sec. 724. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 100,000 acres in the fiscal year 1996 wetlands reserve program, as authorized by 16 U.S.C. 3837.

Sec. 725. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831-3845: Provided, That 1,579,000 new acres shall be enrolled in the program in the year beginning January 1, 1997.

Sec. 726. None of the funds appropriated or otherwise made available by this Act may be used to develop compliance guidelines, implement or enforce a regulation promulgated by the Food Safety and Inspection Service on August 25, 1995 (60 Fed. Reg. 44396): Provided, That this regulation shall take effect only if legislation is enacted into law which directs the Secretary of Agriculture to promulgate such regulation, or the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry receive and approve a proposed revised regulation submitted by the Secretary of Agriculture.

Sec. 727. None of the funds appropriated or made available to the Food and Drug Administration by this Act shall be used to operate the Board of Tea Experts.

Sec. 728. None of the funds available in this Act shall be used for any action, including the development or assertion of any position or recommendation by or on behalf of the Forest Service, that directly or indirectly results in the loss of or restriction on the diversion and use of water from existing water supply facilities located on National Forest lands by the owners of such facilities, or result in a material increase in the cost of such yield to the owners of the water supply: Provided, That nothing in this section shall preclude a mutual agreement between any agency of the Department of Agriculture and a State or local governmental entity or private entity or individual.

Sec. 729. Upon the date of enactment of this Act, the Secretary of Agriculture shall not enforce Federal regulation 36 CFR Part 223 promulgated on September 8, 1995, for a period of no less than 120 days: Provided, That during such time the Secretary shall take notice and public comment on the regulations and make the necessary revisions to reflect public comment. Any fines assessed pursuant to 36 CFR Part 223, from the effective date of said regulation to the date of enactment of this Act, shall be null and void. During the 120 day period, the interim regulatory guidelines published pursuant to 55 CFR 48572 and 56 CFR 65834 shall remain in effect.

Effective date.
This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.”


LEGISLATIVE HISTORY—H.R. 1976:
HOUSE REPORTS: Nos. 104-172 (Comm. on Appropriations) and 104-268 (Comm. of Conference).
SENATE REPORTS: No. 104-142 (Comm. on Appropriations).
July 19-21, considered and passed House.
Sept. 18-20, considered and passed Senate, amended.
Oct. 12, House and Senate agreed to conference report.
Grand total, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 ........................................ $63,050,813,000
By transfer .................................................. (672,070,000)
Direct loan authorization .................................. (4,608,704,000)
Guaranteed loan authorization ......................... (9,850,000,000)
Limitation on administrative expenses .............. (106,245,000)

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Department of Agriculture for fiscal year 1996:

Permanent appropriations:
Federal funds .................................................. 5,184,188,000
Trust funds ..................................................... 443,039,000

Appropriations in legislative acts:
Department of Agriculture: Use of lease proceeds, Midewin National Tallgrass Prairie, Federal funds ................. 1,000,000
Forest Service permanent appropriations, Federal funds ... (*)

Perishable Agricultural Commodities Act Amendments (Public Law 104-48):
Agricultural Marketing Service: Perishable Agricultural Commodities Act fund, Federal funds ................. 1,000,000

Federal Agriculture Improvement and Reform Act (Public Law 104-127): 2
Agricultural Marketing Service:
National Sheep Industry Improvement Center revolving fund, Federal funds ................................ 20,000,000

Farm Service Agency:
CCC export credit guarantee loans program account, Federal funds ............................................... 3,000,000
Agricultural credit insurance fund liquidating account, Federal funds ........................................ (-6,000,000
CCC Fund, Federal funds ........................................ 762,000,000

Natural Resources Conservation Service:
Farmland protection program, Federal funds ............... 35,000,000
Environmental quality incentive program, Federal funds .... 130,000,000
Wildlife habitat incentives, Federal funds ..................... 50,000,000

Department of the Interior and Related Agencies Appropriations Act, 1996:
Forest Service .................................................. 2,275,773,000

Supplemental, Rescissions and Offsets, 1996 (Public Law 104-134) .................................................. 216,514,000

Subtotal, additions ............................................. 7,591,514,000

Deduct amounts transferred to Departments of Health and Human Services, the Treasury, and General Government totals:
Department of Health and Human Services:
Food and Drug Administration ........................... 878,415,000

Department of the Treasury:
Payments to the Farm Credit System Financial Assistance Corporation ............................................. 15,453,000

General Government:
Commodity Futures Trading Commission ................. 53,601,000

Subtotal, deductions .......................................... (-947,469,000
Less adjustments .................................................. -35,249,000

Total, Department of Agriculture .......................... 69,659,609,000

* Amount less than $500,000.
1 Consisting of total appropriations of $63,015,564,000 and adjustments of $35,249,000.
2 Approved in second session of 104th Congress.
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-134
An Act

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

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

SECTION 101. For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 48 permanent positions and 55 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1995: Provided further, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: Provided further, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.
COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.
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; $401,929,000; 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 $22,618,000 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 purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

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

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

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

[Total, General Legal Activities, 1 $421,520,000.]

(2)

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $65,783,000: Provided, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996

1 Including transfer of funds.
2 Vaccine injury compensation trust fund, $4,028,000, and Independent Counsel, $2,884,000 are not included in the bill totals. These accounts are part of permanent Federal funds.
appropriation from the General Fund estimated at not more than $17,521,000: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended: Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

[Total, United States Attorneys, $925,509,000.]

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: Provided further, That the $102,390,000 herein

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appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: Provided further. That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

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

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103-322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund. [Total, United States Marshals Service, $448,248,000.]

FEDERAL PRISONER DETENTION (INCLUDING TRANSFER OF FUNDS)

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

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase,
installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

**SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE**

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000:

Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

**ASSETS FORFEITURE FUND**

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

[Total, Legal Activities, $2,232,966,000.]

**RADIATION EXPOSURE COMPENSATION**

**ADMINISTRATIVE EXPENSES**

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

**PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND**

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

[Total, $18,919,000.]

**INTERAGENCY LAW ENFORCEMENT**

**INTERAGENCY CRIME AND DRUG ENFORCEMENT**

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,843,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

1 Advance appropriation, fiscal year 1997.
For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That $58,000,000 shall be made available for NCIC 2000, of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances, in addition, $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

For activities authorized by Public Law 103-322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 19001(c); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $97,589,000, to remain available until expended.

[Total, FBI, $2,505,072,000.]
PUBLIC LAW 104–134—APR. 26, 1996

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $750,168,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

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

[Total, DEA, $810,168,000.]

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,394,825,000, of which $36,300,000 shall remain available until September 30, 1997; of which $506,800,000 is available for the Border Patrol; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: Provided further, That uniforms may be purchased without regard
to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: Provided further, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: Provided further, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: Provided further, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: Provided further, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: Provided further, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $38,704,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $45,924,000 for expanded special deportation proceedings: Provided, That of the amounts made available, $75,765,000 shall be for the Border Patrol.
CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $25,000,000, to remain available until expended.

[Total, INS, $2,557,470,000.]

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,567,578,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: Provided further, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

VIOLENT CRIME REDUCTION PROGRAMS

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

[Total, Salaries and expenses, $2,581,078,000.]

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all
necessary expenses incident thereto, by contract or force account; $334,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to “Buildings and Facilities” in this Act or any other Act may be transferred to “Salaries and Expenses”, Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

[Total, Federal Prison System, $2,915,806,000.]

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE


1 Limitation on administrative expenses.
PUBLIC LAW 104-134—APR. 26, 1996

COMMERCE, JUSTICE, STATE, JUDICIARY APPROPRIATIONS, 1996

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the “Justice Assistance” account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (“the 1968 Act”); and the Victims of Child Abuse Act of 1990, as amended (“the 1990 Act”); $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer’s Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: Provided, That any balances for these programs shall be transferred to and merged with this appropriation.

[Total, Justice Assistance, $302,377,000.]

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $388,000,000, to remain available until expended, as authorized by section 1001 of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.
For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $1,605,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "state", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other federal grant program: Provided further, That notwithstanding any other provision of this title, the Attorney General may transfer up to $18,000,000 of this amount for drug courts pursuant to title V of the 1994 Act, consistent with the reprogramming procedures outlined in section 605 of this Act: Provided further, That in lieu of any amount provided from the Local Law Enforcement Block Grant for the District of Columbia, $15,000,000 shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8, for the District of Columbia Metropolitan Police Department for law enforcement purposes and shall be disbursed from such escrow account pursuant to the instructions of the Authority and in accordance with a plan developed by the Chief of Police, after consultation with the Committees on Appropriations and Judiciary of the Senate and House of Representatives: Provided further, That $11,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section
114 of this Act), of which $200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act:

Provided further, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions; Provided further, That any 1995 balances for these programs shall be transferred to and merged with this appropriation; Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

Community Oriented Policing Services

Violent Crime Reduction Programs

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs); $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That of this amount, $10,000,000 shall be available for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the 1994 Act: Provided further, That not to exceed 130 permanent positions and 130 full-time equivalent workyears and $14,602,000 shall be expended for program management and administration.

Weed and Seed Program Fund

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided,
That funds designated by Congress through language for other Department of Justice appropriation accounts for “Weed and Seed” program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of “Weed and Seed” program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

[Total, Violent Crime Reduction Programs, $3,005,200,000.]

[Total, State and Local Law Enforcement, $3,393,200,000.]

**Juvenile Justice Programs**

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Juvenile Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B of the Act: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

[Total, $148,500,000.]

**Public Safety Officers Benefits**

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

[Total, Office of Justice Programs, $3,874,685,000.]

**General Provisions—Department of Justice**

Sec. 114. (a) Grant Program.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:
"Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

"SEC. 20101. DEFINITIONS. 42 USC 13701.

"Unless otherwise provided, for purposes of this subtitle—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court may impose a sentence of a range defined by statute; and

"(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

"(2) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

"(3) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20102. AUTHORIZATION OF GRANTS. 42 USC 13702.

"(a) In General.—The Attorney General shall provide Violent Offender Incarceration grants under section 20103 and Truth-in-Sentencing Incentive grants under section 20104 to eligible States—

"(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which committed by an adult, would be a part 1 violent crime;

"(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

"(3) to build or expand jails.

"(b) Regional Compacts.—

"(1) In General.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

"(2) Requirement.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

"(3) Limitation on Receipt of Funds.—No State may receive a grant under this subtitle both individually and as part of a compact.

"(c) Applicability.—Notwithstanding the eligibility requirements of section 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible..."
to receive a grant for fiscal year 1996 as though such State qualifies under section 20104 of this subtitle.

42 USC 13703.  
"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS."

"(a) Eligibility for Minimum Grant.—To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

(b) Additional Amount for Increased Percentage of Persons Sentenced and Time Served.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has, since 1993—

"(1) increased the percentage of persons arrested for a part 1 violent crime sentenced to prison; or

"(2) increased the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c).

(c) Additional Amount for Increased Rate of Incarceration and Percentage of Sentence Served.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has—

"(1) since 1993, increased the percentage of persons arrested for a part 1 violent crime sentenced to prison, and has increased the average percent of sentence served by persons convicted of a part 1 violent crime; or

"(2) has increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b).

42 USC 13704.  
"SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS."

"(a) Eligibility.—To be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that demonstrates that—

"(1) such State has implemented truth-in-sentencing laws that—

"(A) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(B) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior);

"(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State,
not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(3) in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime—

"(A) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines; or

"(B) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court (not counting time not actually served such as administrative or statutory incentives for good behavior).

"(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

"(1) a geriatric prisoner; or

"(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

"SEC. 20105. SPECIAL RULES.

"(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

"(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

"(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 20103 or 20104.

"(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights and needs of crime victims.

"(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of section 20103 or 20104, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed
by an adult, would be a part 1 violent crime, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

“(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

“(e) DEFINITION.—For purposes of this subtitle, “part 1 violent crime” means a part 1 violent crime as defined in section 20101(3), or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

“SEC. 20106. FORMULA FOR GRANTS.

“(a) ALLOCATION OF VIOLENT OFFENDER INCARCERATION GRANTS UNDER SECTION 20103.—

“(1) FORMULA ALLOCATION.—85 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

“(A) 0.75 percent shall be allocated to each State that meets the requirements of section 20103(a), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20103(a), shall each be allocated 0.05 percent.

“(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(b), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

“(2) ADDITIONAL ALLOCATION.—15 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated to each State that meets the requirements of section 20103(c) as follows:

“(A) 3.0 percent shall be allocated to each State that meets the requirements of section 20103(c), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

“(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(c), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20102(c) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.
“(b) Allocation of Truth-in-Sentencing Grants Under Section 20104.—The amounts available for grants for section 20104 shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

“(c) Unavailable Data.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

“(d) Regional Compacts.—In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

“SEC. 20107. ACCOUNTABILITY.

“(a) Fiscal Requirements.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

“(b) Administrative Provisions.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

“SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—

“(1) Authorizations.—There are authorized to be appropriated to carry out this subtitle—

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

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

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

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

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

“(2) Distribution.—

“(A) In General.—Of the amounts remaining after the allocation of funds for the purposes set forth under sections 20110, 20111, and 20109, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 20103, and 50 percent for incentive grants under section 20104.
“(B) DISTRIBUTION OF MINIMUM AMOUNTS.—The Attorney General shall distribute minimum amounts allocated for section 20103(a) to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 20103 or a Truth-in-Sentencing Incentive grant under section 20104.

“(b) LIMITATIONS ON FUNDS.—

“(1) USES OF FUNDS.—Except as provided in section 20110 and 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

“(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

“(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds that remain available after carrying out sections 20109, 20110, and 20111 shall be available to the Attorney General for purposes of—

“(A) administration;
“(B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this subtitle;
“(C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this subtitle; and
“(D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

“(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

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

42 USC 13709.

“SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

“(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), from amounts appropriated to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

“(1) 0.3 percent in each of fiscal years 1996 and 1997; and
“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

“(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.
“SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

(a) In General.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act in such amount as is determined under section 242(j), and for which payment is not made to such State for such fiscal year under such section.

(b) Authorization of Appropriations.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

(c) Administration.—The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 242(j) of the Immigration and Nationality Act and administered under such section.

(d) Report to Congress.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

“SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

(a) In General.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

(b) Authorization of Appropriations.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), there are authorized to be appropriated from amounts authorized under section 20108 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

“SEC. 20112. REPORT BY THE ATTORNEY GENERAL.

Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle.”.
(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

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

``
SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

Sec. 20101. Definitions.
Sec. 20102. Authorization of Grants.
Sec. 20103. Violent offender incarceration grants.
Sec. 20104. Truth-in-sentencing incentive grants.
Sec. 20105. Special rules.
Sec. 20106. Formula for grants.
Sec. 20107. Accountability.
Sec. 20108. Authorization of appropriations.
Sec. 20109. Payments for Incarceration on Tribal Lands.
Sec. 20110. Payments to eligible States for incarceration of criminal aliens.
Sec. 20111. Support of Federal prisoners in non-Federal institutions.
Sec. 20112. Report by the Attorney General."

SEC. 120. The pilot debt collection project authorized by Public Law 99–578, as amended, is extended through September 30, 1997.

SEC. 121. The definition of “educational expenses” in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322, is amended to read as follows: “educational expenses” means expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.”

SEC. 122. Section 524(c) of title 28, United States Code, is amended by striking subparagraph (8)(E), as added by section 110 of the Department of Justice and Related Agencies Appropriations Act, 1995 (P. L. 103–317, 108 Stat. 1735 (1994)). This title may be cited as the “Department of Justice Appropriations Act, 1996”.

[Total, title I, Department of Justice, $14,665,734,000.]
TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

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

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended. [Total, Related Agencies, $60,889,000.]

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions
under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

**EXPORT ADMINISTRATION**

**OPERATIONS AND ADMINISTRATION**

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,604,000, to remain available until expended:

Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

**ECONOMIC DEVELOPMENT ADMINISTRATION**

**ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys’ or consultants’ fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided
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further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

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

[Total, EDA, $348,500,000.]

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000. [Total, Trade and Infrastructure Development, $746,878,000.]

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,812,000.

PERIODIC CENSUSES AND PROGRAMS

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

[Total, $284,112,000.]

1 Funding for United States Travel and Tourism Administration provided in P.L. 104–99.
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,000,000 to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to charge Federal agencies for spectrum management, analysis, and operations, and related services: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations, and related services and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

[Total, NTIA, $54,000,000.]

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $82,324,000, to remain available until expended: Provided, That the funds made
available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

[Total, Economic and Information Infrastructure, $466,336,000.]

**SCIENCE AND TECHNOLOGY**

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**

**SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES**

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

**INDUSTRIAL TECHNOLOGY SERVICES**

For necessary expenses of the Manufacturing Extension Partnership and the Advanced Technology Program of the National Institute of Standards and Technology, $301,000,000, to remain available until expended, of which $80,000,000 shall be for the Manufacturing Extension Partnership, and of which $221,000,000 shall be for the Advanced Technology Program: Provided, That not to exceed $500,000 may be transferred to the "Working Capital Fund".

**CONSTRUCTION OF RESEARCH FACILITIES**

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

[Total, NIST, $620,000,000.]

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES**

(including transfer of funds)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,795,677,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,792,677,000: Provided further, That any such additional fees
received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $63,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

1 Transfer
2 The Damage Assessment Revolving Fund was permanently established in the Oil Pollution Act of 1990, without further appropriation, financed by monies collected through transfers, settlements and court decisions resulting from environmental disasters. Estimates of available resources in the fund are provided by the Department of Commerce and the Congressional Budget Office. Funds from the DARRF are transferred to the NOAA ORF account for environmental restoration.
3 Limitation on amount available for the Coastal Energy Impact Fund. Amounts collected scored as mandatory, while funds disbursed are scored as discretionary.

COASTAL ZONE MANAGEMENT FUND

CONSTRUCTION
For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION
For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND
For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN’S CONTINGENCY FUND
For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND
For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.
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FISHING VESSEL OBLIGATIONS GUARANTEES

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

[$250,000]

[Total, NOAA, $1,853,154,000.]

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,000,000.

[Total, Science and Technology, $2,480,154,000.]

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

[Total, General Administration, $48,949,000.]

OFFICE OF INSPECTOR GENERAL


[Total, General Administration, $48,949,000.]

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CONSTRUCTION OF RESEARCH FACILITIES (RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 are rescinded.

[–75,000,000 (recession)]

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).
SEC. 203. None of the funds made available by this Act may 
be used to support the hurricane reconnaissance aircraft and activi-
ties that are under the control of the United States Air Force 
or the United States Air Force Reserve.

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

SEC. 205. Not to exceed 5 percent of any appropriation made 
available for the current fiscal year for the Department of Commerce 
in this Act may be transferred between such appropriations, but 
no such appropriation shall be increased by more than 10 percent 
by any such transfers: Provided, That any transfer pursuant to 
this section shall be treated as a reprogramming of funds under 
section 605 of this Act and shall not be available for obligation 
or expenditure except in compliance with the procedures set forth 
in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or 
reorganize the Department of Commerce, the Secretary of Com-
iceme, no later than 90 days thereafter, shall submit to the Commit-
tees on Appropriations of the House and the Senate a plan for 
transferring funds provided in this Act to the appropriate successor 
oragencies or programs terminated under such legislation: Provided further, 
That such plan shall be transmitted in accordance with section 
605 of this Act.

(b) The Secretary of Commerce or the appropriate head of 
any successor organization(s) may use any available funds to carry 
out legislation dismantling or reorganizing the Department of Com-
merce to cover the costs of actions relating to the abolishment, 
reorganization or transfer of functions and any related personnel 
action, including voluntary separation incentives if authorized by 
such legislation: Provided, That the authority to transfer funds 
between appropriations accounts that may be necessary to carry 
out this section is provided in additional to authorities included 
under section 205 of this Act: Provided further, That use of funds 
to carry out this section shall be treated as a reprogramming 
of funds under section 605 of this Act and shall not be available 
for obligation or expenditure except in compliance with the proce-
dures set forth in that section.

SEC. 207. Notwithstanding any other provision of law (including 
any regulation and including the Public Works and Economic Devel-
/opment Act of 1965), the transfer of title to the Rutland City 
Industrial Complex to Hilinex, Vermont (as related to Economic 
Development Administration Project Number 01-11-01742) shall 
not require compensation to the Federal Government for the fair 
share of the Federal Government of that real property.

SEC. 208. (a) In General.—The Secretary of Commerce, acting 
through the Assistant Secretary for Economic Development of the 
Department of Commerce, shall—
(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b); 
(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and 
(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the “Central Foundry Property”, as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 209. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 210. None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments or regulations which create new individual fishing quota, individual transferable quota, or new individual transferable effort allocation programs, or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.

SEC. 211. Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—
(1) in the heading, by striking “GRANTS” and inserting “ASSISTANCE”; 
(2) in paragraph (1), by striking “award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered” and inserting “help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures

16 USC 1851 note.
to alleviate harm determined by the Secretary to have been incurred;

(3) in paragraph (3), by striking "a grant" and inserting "direct assistance to a person";

(4) in paragraph (3), by striking "gross revenues annually," and inserting "net revenues annually from commercial fishing";

(5) by striking paragraph (4) and inserting the following:

"(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

"(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

"(i) prohibit the vessel from being used for fishing; and

"(ii) require that the vessel be—

"(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

"(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

"(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

"(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12108(a) of title 46, United States Code, and any such endorsement for the vessel shall not be effective.";

and

(6) in paragraph (5), by striking "for awarding grants" and all that follows through the end of the paragraph and inserting "for receiving assistance under this subsection."

SEC. 212. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

[Net total, Department of Commerce, $3,606,428,000.]
[Net total, title II, Department of Commerce and Related Agencies, $3,667,317,000.]

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.
CARE OF THE BUILDING AND GROUNDS

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

[Total, Supreme Court of the United States, $29,147,000.]

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

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

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

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

VIOLENT CRIME REDUCTION PROGRAMS

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

[Total, Salaries and expenses, $2,463,141,000.]
DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): Provided, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

[Total, Courts of Appeals, $2,893,704,000.]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the
District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

**Federal Judicial Center**

**Salaries and Expenses**

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

**Judicial Retirement Funds**

**Payment to Judiciary Trust Funds**

For payment to the Judicial Officers’ Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors’ Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

**United States Sentencing Commission**

**Salaries and Expenses**

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

**General Provisions—The Judiciary**

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

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

Sec. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and other Judicial Services, Defender Services”, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of
the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—
(1) in the first paragraph by striking “shall” the first, second, and fourth place it appears and inserting “may”; and
(2) in the second paragraph—
(A) by striking “shall” the first place it appears and inserting “may”; and
(B) by striking “and unless excused by the chief judge, shall remain throughout the conference’.

This title may be cited as “The Judiciary Appropriations Act, 1996”.

[Total, title III, the Judiciary, $3,054,812,000.]

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, $1,708,800,000: Provided, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States. Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

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

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, “Diplomatic and Consular Programs” and “Salaries and Expenses” under the heading “Administration of Foreign Affairs” may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

[Total, $1,719,220,000.]

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

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

[Total, $365,146,000.]

CAPITAL INVESTMENT FUND

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections: Provided, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

5 USC app. 11 note.
For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

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

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

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

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

[Total, Administration of Foreign Affairs, $2,674,317,000.]

Limitation on direct loans.
INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $892,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: Provided further, That certification under section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $80,000,000 may be made available only on a quarterly basis and only after the Secretary of State certifies on a quarterly basis that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $359,000,000: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American
manufacturers and suppliers are being given opportunities to pro-
vide equipment, services and material for United Nations peace-
keeping activities equal to those being given to foreign manufac-
turers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State
Department Basic Authorities Act of 1956, in addition to funds
otherwise available for these purposes, contributions for the United
States share of general expenses of international organizations and
conferences and representation to such organizations and con-
ferences as provided for by 22 U.S.C. 2656 and 2672 and personal
services without regard to civil service and classification laws as
authorized by 5 U.S.C. 5102, $3,000,000, to remain available until
expended as authorized by 22 U.S.C. 2696(c), of which not to exceed
$200,000 may be expended for representation as authorized by

[Total, International Organizations and Conferences,
$1,254,000,000.]}

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the
International Boundary and Water Commission, United States and
Mexico, and to comply with laws applicable to the United States
Section, including not to exceed $6,000 for representation; as fol-
lows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for,
$12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized
projects, $6,644,000, to remain available until expended as author-
ized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the Inter-
national Joint Commission and the International Boundary
Commission, United States and Canada, as authorized by treaties
between the United States and Canada or Great Britain, and for
the Border Environment Cooperation Commission as authorized
by Public Law 103-182; $5,800,000, of which not to exceed $9,000
shall be available for representation expenses incurred by the Inter-
national J oint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions,
not otherwise provided for, as authorized by law, $14,669,000: Pro-
vided, That the United States share of such expenses may be
advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

[Total, International Commissions, $39,171,000.]

OTHER

PAYMENT TO THE ASIA FOUNDATION

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

[Total, Department of State, $3,972,488,000.]

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $38,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: Provided further, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of
1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization 
Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available 
until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, 
as authorized by the Mutual Educational and Cultural Exchange 
Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganiza-
tion Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain 
available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, 
Incorporated, as authorized by sections 4 and 5 of the Eisenhower 
Exchange Fellowship Act of 1990 (20 U.S.C. 5204±05), all interest 
and earnings accruing to the Eisenhower Exchange Fellowship Pro-
gram Trust Fund on or before September 30, 1996, to remain 
available until expended: Provided, That none of the funds appro-
priated herein shall be used to pay any salary or other compensa-
tion, or to enter into any contract providing for the payment thereof, 
in excess of the rate authorized by 5 U.S.C. 5376; or for purposes 
which are not in accordance with OMB Circulars A±110 (Uniform 
Administrative Requirements) and A±122 (Cost Principles for Non-
profit Organizations), including the restrictions on compensation 
for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program 
as authorized by section 214 of the Foreign Relations Authorization 
Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest 
and earnings accruing to the Israeli Arab Scholarship Fund on 
or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as 
authorized by section 235 of the Foreign Relations Authorization 
Act, Fiscal Years 1994 and 1995, all interest and earnings accruing 
to the American Studies Collections Endowment Fund on or before 
September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information 
Agency, as authorized by the United States Information and Edu-
cational Exchange Act of 1948, as amended, the United States 
International Broadcasting Act of 1994, as amended, and Reorga-
nization Plan No. 2 of 1977, to carry out international communica-
tion activities; $325,191,000, of which $5,000,000 shall remain avail-
able until expended, not to exceed $16,000 may be used for official 
receptions within the United States as authorized by 22 U.S.C. 
1474(3), not to exceed $35,000 may be used for representation 
abroad as authorized by 22 U.S.C. 1452 and 4085, and not to 
exceed $39,000 may be used for official reception and representation 
expenses of Radio Free Europe/Radio Liberty; and in addition, not 
to exceed $250,000 from fees as authorized by section 810 of the
United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

**Broadcasting to Cuba**

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: Provided, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

**Radio Construction**

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

**East-West Center**

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $11,750,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

**North/South Center**

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

**National Endowment for Democracy**

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

[Total, USIA, $1,085,351,000.]
SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: Provided, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and

Sec. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete “may pay a reward” and insert in lieu thereof “shall establish and publicize a program under which rewards may be paid”.

Sec. 407. Sections 6(a) and 6(b) of Public Law 101-454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996 through 1998.

Sec. 408. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

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

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

Sec. 409. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.


Sec. 411. The appropriation for the Arms Control and Disarmament Agency in Public Law 103-317 (108 Stat. 1768) is amended by deleting after “until expended” the following: “only for activities related to the implementation of the Chemical Weapons Convention”: Provided, That amounts made available shall not be used to undertake new programs or to increase employment above levels on board at the time of enactment of this Act.

This title may be cited as the “Department of State and Related Agencies Appropriations Act, 1996”.

[Total, Related Agencies, $1,124,051,000.]

[Total, title IV, Department of State and Related Agencies, $5,096,539,000.]
For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

Maritime National Security Program

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

Operations and Training

For necessary expenses of operations and training activities authorized by law, $66,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103-451): Provided further, That reimbursements may be made to this appropriation from receipts to the “Federal Ship Financing Fund” for administrative expenses in support of that program in addition to any amount heretofore appropriated.

Maritime Guaranteed Loan (Title XI) Program Account

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $40,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

Administrative Provisions—Maritime Administration

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and

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1 Liquidation of contract authority.
2 Limitation guaranteed loans.
make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

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

[Total, Maritime Administration, $156,100,000.]

**Commission for the Preservation of America’s Heritage Abroad**

**Salaries and Expenses**

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

$206,000

**Commission on Civil Rights**

**Salaries and Expenses**

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

8,750,000

**Commission on Immigration Reform**

**Salaries and Expenses**

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,894,000, to remain available until expended.

1,894,000

**Commission on Security and Cooperation in Europe**

**Salaries and Expenses**

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

1,090,000
For necessary expenses of the Competitiveness Policy Council, $50,000: Provided, That this shall be the final Federal payment to the Competitiveness Policy Council.

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: Provided, That $126,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: Provided further, That any offsetting collections received in excess of $126,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That the Commission shall amend its schedule of regulatory fees set forth in section 1.1153 of title 47, CFR, authorized by section 9 of title I of the Communications Act of 1934, as amended by: (1) striking “$22,420” in the Annual Regulatory Fee column for VHF Commercial Markets 1 through 10 and inserting “$32,000”; (2) striking “$19,925” in the Annual Regulatory Fee column for VHF Commercial Markets 11 through 25 and inserting “$26,000”; (3) striking
“$14,950” in the Annual Regulatory Fee column for VHF Commercial Markets 26 through 50 and inserting “$17,000”; (4) striking “$9,975” in the Annual Regulatory Fee column for VHF Commercial Markets 51 through 100 and inserting “$9,000”; (5) striking “$6,225” in the Annual Regulatory Fee column for VHF Commercial Remaining Markets and inserting “$2,500”; and (6) striking “$17,925” in the Annual Regulatory Fee column for UHF Commercial Markets 1 through 10 and inserting “$25,000”; (7) striking “$15,950” in the Annual Regulatory Fee column for UHF Commercial Markets 11 through 25 and inserting “$20,000”; (8) striking “$11,950” in the Annual Regulatory Fee column for UHF Commercial Markets 26 through 50 and inserting “$13,000”; (9) striking “$7,975” in the Annual Regulatory Fee column for UHF Commercial Markets 51 through 100 and inserting “$7,000”; and (10) striking “$4,975” in the Annual Regulatory Fee column for UHF Commercial Remaining Markets and inserting “$2,000”: Provided further, That the Federal Communications Commission shall, not later than 30 days after receipt of a petition by WQED, Pittsburgh, determine, without conducting a rulemaking or other proceeding, whether to amend section 73.606 of Title 47, Code of Federal Regulations, by deleting the asterisk for the channel operating on 482-488 MHz in Pittsburgh, Pennsylvania, based on the public interest, the existing common ownership of two non-commercial broadcasting stations in Pittsburgh, the financial distress of the licensee, and the threat to the public of losing or impairing local public broadcasting service in the area: Provided further, That the Federal Communications Commission may solicit such comments as it deems necessary in making this determination: Provided further, That a part of the determination, the Federal Communications Commission shall not be required, notwithstanding any other provision of law, to open the channel to general application, and may determine that the license therefor may be assigned by the licensee, subject to prompt approval of the proposed assignee by the Federal Communications Commission, and that the proceeds of the initial assignment of the license for such channel, or any portion thereof, shall be used solely in furtherance of non-commercial broadcast operations, or for such other purpose as the Federal Communications Commission may determine appropriate.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

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

1 Missing text, probably “as”. 
For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $79,568,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000, of which $269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; $1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and $7,100,000 is for management and administration: Provided, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

1 Trust funds.
2 Foreign currency appropriations.
ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

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

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

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

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

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

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

Sec. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

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

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

(A) furnishes legal assistance to eligible clients; and
(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

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

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

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

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

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

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

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

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

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

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

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

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

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

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

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.
(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

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

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

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

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

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

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:
Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996(e)(3))) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—
(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—
(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and
(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

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

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

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

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does
not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation; (17) that defends a person in a proceeding to evict the person from a public housing project if—
(A) the person has been charged with the illegal sale or distribution of a controlled substance; and
(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;
(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or
(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.
(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.
(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).
(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.
(2) Paragraph (1) shall not prevent a recipient from—
(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or
(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.
(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

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

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

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

(3) The term “public housing project” has the meaning as used within, and the term “public housing agency” has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

Sec. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

Sec. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

Sec. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

Sec. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

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

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim
for which the recipient or employee begins to provide legal assistance on or after such date; and
(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and
(3) the requirements of paragraph (13) of section 504(a)—
(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and
(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

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

Sec. 508. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a “recipient”) shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—
(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;
(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and
(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

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

If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector Gen-
eral, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) The withholding of a percentage of the recipient’s funding until the audit is completed satisfactorily.

(2) The suspension of recipient’s funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

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

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

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

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

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

(1) a Federal, State, or local law enforcement official; or

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

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.
For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,190,000.

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $350,000: Provided, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

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

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twentieth of one percentum,
and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: Provided further, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: Provided further, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103-403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $219,190,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL


BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

[Total, $253,348,000.]
For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses. [Total, $106,010,000.]

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the “Surety Bond Guarantees Revolving Fund”, authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. [Total, SBA, $589,578,000.]

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses. [Total, title V, Related Agencies, $1,486,870,000.]

TITLE VI—GENERAL PROVISIONS

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

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

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

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS. — It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT. — In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

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

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States
diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

1. Resolving discrepancy cases, live sightings and field activities,
2. Recovering and repatriating American remains,
3. Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's,
4. Providing further assistance in implementing trilateral investigations with Laos.

Sec. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Sec. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

1. In-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;
2. The viewing of R, X, and NC-17 rated movies, through whatever medium presented;
3. Any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;
4. Possession of in-cell coffee pots, hot plates, or heating elements; or
5. The use or possession of any electric or electronic musical instrument.

Sec. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102-567.

Sec. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable
provisions of the March 1995 Office of Cuba Broadcasting Reinvent-
ing Plan of the United States Information Agency.

Sec. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.
(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

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

Sec. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expendi-
ture except in compliance with the procedures set forth in that section.

Sec. 616. Notwithstanding section 106 of Public Law 104–91, the general provisions for the Department of Justice that were included in the conference report to accompany H.R. 2076 and were identified in the amendment to Public Law 104–91 made by section 211 of Public Law 104–99 shall continue to remain in effect as enacted into law.

Sec. 617. Upon enactment of this Act, the provisions of section 201(a) of Public Law 104–99 are superseded.

[Total, title V, Related Agencies, $1,486,870,000.]

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $64,500,000 are rescinded.

\[1 \text{ Rescission.}\]
Of the unobligated balances available under this heading, $7,400,000 are rescinded.  

[Net total, title VII, Recissions, = $136,900,000.]

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.  
This title may be cited as the "Prison Litigation Reform Act of 1995".

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.  
(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§ 3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

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

"(i) Federal law permits such relief to be ordered in violation of State or local law;

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

"(iii) no other relief will correct the violation of the Federal right.

"(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight
to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

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

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

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

(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prisoner release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

(i) crowding is the primary cause of the violation of a Federal right; and

(ii) no other relief will remedy the violation of the Federal right.

(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

(b) TERMINATION OF RELIEF.—

(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervenor—

(i) 2 years after the date the court granted or approved the prospective relief;
“(ii) 1 year after the date the court has entered an
order denying termination of prospective relief under this
paragraph; or
“(iii) in the case of an order issued on or before the
date of enactment of the Prison Litigation Reform Act,
2 years after such date of enactment.
“(B) Nothing in this section shall prevent the parties from
agreeing to terminate or modify relief before the relief is termi-
nated under subparagraph (A).
“(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In
any civil action with respect to prison conditions, a defendant
or intervener shall be entitled to the immediate termination
of any prospective relief if the relief was approved or granted
in the absence of a finding by the court that the relief is
narrowly drawn, extends no further than necessary to correct
the violation of the Federal right, and is the least intrusive
means necessary to correct the violation of the Federal right.
“(3) LIMITATION.—Prospective relief shall not terminate if
the court makes written findings based on the record that
prospective relief remains necessary to correct a current or
ongoing violation of the Federal right, extends no further than
necessary to correct the violation of the Federal right, and
that the prospective relief is narrowly drawn and the least
intrusive means to correct the violation.
“(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing
in this section shall prevent any party or intervener from
seeking modification or termination before the relief is ter-
minal under paragraph (1) or (2), to the extent that modifica-
tion or termination would otherwise be legally permissible.
“(c) SETTLEMENTS.—
“(1) CONSENT DECREES.—In any civil action with respect
to prison conditions, the court shall not enter or approve a
consent decree unless it complies with the limitations on relief
set forth in subsection (a).
“(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in
this section shall preclude parties from entering into a private
settlement agreement that does not comply with the limitations on relief
set forth in subsection (a), if the terms of that agree-
ment are not subject to court enforcement other than the
reinstatement of the civil proceeding that the agreement settled.
“(B) Nothing in this section shall preclude any party claim-
ing that a private settlement agreement has been breached
from seeking in State court any remedy available under State
law.
“(d) STATE LAW REMEDIES.—The limitations on remedies in
this section shall not apply to relief entered by a State court
based solely upon claims arising under State law.
“(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE
RELIEF.—
“(1) GENERALLY.—The court shall promptly rule on any
motion to modify or terminate prospective relief in a civil action
with respect to prison conditions.
“(2) AUTOMATIC STAY.—Any prospective relief subject to
a pending motion shall be automatically stayed during the period—
“(A) (i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

(B) ending on the date the court enters a final order ruling on the motion.

“(f) SPECIAL MASTERS.—

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

(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

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

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

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

“(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge’s selection of the special master under this subsection, on the ground of partiality.

“(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

“(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

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

(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

(B) shall not make any findings or communications ex parte;

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

(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

“(g) DEFINITIONS.—As used in this section—
“(1) the term ‘consent decree’ means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

“(2) the term ‘civil action with respect to prison conditions’ means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

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

“(4) the term ‘prisoner release order’ includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or non-admission of prisoners to a prison;

“(5) the term ‘prison’ means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

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

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

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

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

(b) APPLICATION OF AMENDMENT.—

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

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

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

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

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the “Act”) is amended to read as follows:
“(c) The Attorney General shall personally sign any complaint filed pursuant to this section.”.

(b) Certification Requirements.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

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

(B) by striking “his” and inserting “the Attorney General’s”; and

(2) by amending subsection (b) to read as follows:

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

(c) Intervention in Actions.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

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

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

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

(2) by amending subsection (c) to read as follows:

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

(d) Suits by Prisoners.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

“SEC. 7. SUITS BY PRISONERS.

“(a) Applicability of Administrative Remedies.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

“(b) Failure of State to Adopt or Adhere to Administrative Grievance Procedure.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

“(c) Dismissal.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

“(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

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

“(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff’s rights protected by a statute
pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

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

“(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

“(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney’s fees awarded against the defendant. If the award of attorney’s fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

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

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

“(e) Limitation on Recovery.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

“(f) Hearings.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner’s participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

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

“(g) Waiver of Reply.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

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

“(h) Definition.—As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”.
(e) Report to Congress.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking “his report” and inserting “the report”.

(f) Notice to Federal Departments.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

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

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

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) Filing Fees.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(a) Any” and inserting “(a)(1) Subject to subsection (b), any”;

(B) by striking “and costs”;

(C) by striking “makes affidavit” and inserting “submits an affidavit that includes a statement of all assets such prisoner possesses”;

(D) by striking “such costs” and inserting “such fees”;

(E) by striking “he” each place it appears and inserting “the person”;

(F) by adding immediately after paragraph (1), the following new paragraph:

“(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”; and

(G) by striking “An appeal” and inserting “(3) An appeal”;

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

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

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

“(A) the average monthly deposits to the prisoner’s account;

or

“(B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

“(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.
“(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

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

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a) of this section” and inserting “subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)”;

and

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

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

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

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

“(B) the action or appeal—

“(i) is frivolous or malicious;

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

“(iii) seeks monetary relief against a defendant who is immune from such relief.”.

(b) Exception to Discharge of Debt in Bankruptcy Proceeding.—Section 523(a) of title 11, United States Code, is amended—

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

and

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

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

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

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

(2) by striking “cases” and inserting “proceedings”;

and

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

“(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

“(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

“(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.”.

(d) Successive Claims.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court
of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”.

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

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

SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

“§ 1915A. Screening

“(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

“(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

“(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

“(2) seeks monetary relief from a defendant who is immune from such relief.

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

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

“1915A. Screening.”.

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking “(b)” and inserting “(b)(1)”; and

(2) by adding at the end the following:

“(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.”.

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the
prisoner. The remainder of any such award after full payment
of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to
a prisoner in connection with a civil action brought against any
Federal, State, or local jail, prison, or correctional facility or against
any official or agent of such jail, prison, or correctional facility,
reasonable efforts shall be made to notify the victims of the crime
for which the prisoner was convicted and incarcerated concerning
the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code,
is amended by adding at the end the following new section:

§ 1932. Revocation of earned release credit

“In any civil action brought by an adult convicted of a crime
and confined in a Federal correctional facility, the court may order
the revocation of such earned good time credit under section 3624(b)
of title 18, United States Code, that has not yet vested, if, on
its own motion or the motion of any party, the court finds that—
“(1) the claim was filed for a malicious purpose;
“(2) the claim was filed solely to harass the party against
which it was filed; or
“(3) the claimant testifies falsely or otherwise knowingly
presents false evidence or information to the court.”.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of
title 28, United States Code, is amended by inserting after the
item relating to section 1931 the following:

“1932. Revocation of earned release credit.”.

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b)
of title 18, United States Code, is amended—

(1) in paragraph (1)—
   (A) by striking the first sentence;
   (B) in the second sentence—
      (i) by striking “A prisoner” and inserting “Subject
          to paragraph (2), a prisoner”;
      (ii) by striking “for a crime of violence,”; and
      (iii) by striking “such”;
   (C) in the third sentence, by striking “If the Bureau”
       and inserting “Subject to paragraph (2), if the Bureau”;
   (D) by striking the fourth sentence and inserting the
       following: “In awarding credit under this section, the
       Bureau shall consider whether the prisoner, during the
       relevant period, has earned, or is making satisfactory
       progress toward earning, a high school diploma or an
       equivalent degree.”; and
   (E) in the sixth sentence, by striking “Credit for the
       last” and inserting “Subject to paragraph (2), credit for
       the last”; and
(2) by amending paragraph (2) to read as follows:

   “(2) Notwithstanding any other law, credit awarded under
   this subsection after the date of enactment of the Prison Litiga-
   tion Reform Act shall vest on the date the prisoner is released
   from custody.”.
SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996."

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).
SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 7, considered and passed House.
Mar. 11–15, 18, 19, considered and passed Senate, amended.
Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Apr. 26, Presidential statement.

H.R. 2076

Considered in House: July 25, 1996.

Senate Report 104–139, September 12, 1996.
Considered in Senate: September 28, 1996.

Conference:
House agreed: December 6, 1996.
Senate agreed: December 7, 1996.

Presidential action:
Vetoed: December 19, 1996.

Veto message:
Referred to Committee: December 20, 1995.
House sustained veto: January 3, 1996.

Net grand total, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 ............................................ $27,834,372,000
Net fiscal year 1996 ................................................. (27,818,108,000)
Appropriations ...................................................... (24,074,039,000)
Rescissions ............................................................ (– 211,900,000)
Violent crime reduction programs ............................................ (3,955,969,000)
Advance appropriation, fiscal year 1997 ............................................ (16,264,000)
By transfer .......................................................... (106,000,000)
Limitation on administrative expenses ............................................ (3,559,000)
Limitation on direct loans ....................................................... (741,000)
Liquidation of contract authority ............................................. (162,610,000)
Foreign currency appropriation ................................................ (1,420,000)

18 USC 3626 note.
NOTE.—In addition to the total in the annual appropriations act, the following
amounts are available for the Departments of Commerce, Justice, and State, and
the Judiciary and the Small Business Administration for fiscal year 1996:

Permanent appropriations:

Federal Funds:

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Commerce</td>
<td>91,265,000</td>
</tr>
<tr>
<td>The Judiciary</td>
<td>146,728,000</td>
</tr>
<tr>
<td>Department of Justice</td>
<td>1,452,952,000</td>
</tr>
<tr>
<td>Department of State</td>
<td>144,448,000</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td></td>
</tr>
</tbody>
</table>

Trust funds:

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Commerce</td>
<td>200,000</td>
</tr>
<tr>
<td>The Judiciary</td>
<td>61,845,000</td>
</tr>
<tr>
<td>Department of Justice</td>
<td>16,264,000</td>
</tr>
<tr>
<td>Department of State</td>
<td>503,052,000</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td></td>
</tr>
</tbody>
</table>

Supplemental, Recissions and Offsets, 1996 (Public Law 104–134):

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Commerce</td>
<td>25,500,000</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>100,000,000</td>
</tr>
</tbody>
</table>

Subtotal, additions 2,542,254,000

Deduct amounts transferred to the Department of Transportation and General
Government totals and amounts for fiscal year 1997:

Department of Justice:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radiation exposure compensation, FY 1997</td>
<td>16,264,000</td>
</tr>
</tbody>
</table>

Department of Transportation:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime Administration</td>
<td>156,100,000</td>
</tr>
</tbody>
</table>

General Government:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Arms Control and Disarmament Agency</td>
<td>38,700,000</td>
</tr>
<tr>
<td>Commission for the Preservation of America's Heritage</td>
<td></td>
</tr>
<tr>
<td>Abroad</td>
<td>206,000</td>
</tr>
<tr>
<td>Commission on Civil Rights</td>
<td>8,750,000</td>
</tr>
<tr>
<td>Commission on Immigration Reform</td>
<td>1,894,000</td>
</tr>
<tr>
<td>Commission on Security and Cooperation in Europe</td>
<td>1,090,000</td>
</tr>
<tr>
<td>Competitiveness Policy Council</td>
<td>50,000</td>
</tr>
<tr>
<td>Equal Employment Opportunity Commission</td>
<td>233,000,000</td>
</tr>
<tr>
<td>Federal Communications Commission</td>
<td>59,309,000</td>
</tr>
<tr>
<td>Federal Maritime Commission</td>
<td>14,855,000</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
<td>31,306,000</td>
</tr>
<tr>
<td>International Trade Commission</td>
<td>40,000,000</td>
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<tr>
<td>Japan-United States Friendship Commission</td>
<td>1,247,000</td>
</tr>
<tr>
<td>Legal Services Corporation</td>
<td>278,000,000</td>
</tr>
<tr>
<td>Marine Mammal Commission</td>
<td>1,190,000</td>
</tr>
<tr>
<td>Martin Luther King, Jr. Federal Holiday Commission</td>
<td>350,000</td>
</tr>
<tr>
<td>Office of the United States Trade Representative</td>
<td>20,899,000</td>
</tr>
<tr>
<td>Ounce of Prevention Council</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Securities and Exchange Commission</td>
<td>103,445,000</td>
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<tr>
<td>State Justice Institute</td>
<td>5,000,000</td>
</tr>
<tr>
<td>United State Information Agency (net)</td>
<td>1,077,951,000</td>
</tr>
</tbody>
</table>

Net subtotal, deductions 2,091,096,000

Net total 28,285,530,000

Consisting of:

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Commerce (net)</td>
<td>3,723,393,000</td>
</tr>
<tr>
<td>The Judiciary (net)</td>
<td>3,263,385,000</td>
</tr>
<tr>
<td>Department of Justice (net)</td>
<td>16,053,686,000</td>
</tr>
<tr>
<td>Department of State (net)</td>
<td>4,555,488,000</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>689,578,000</td>
</tr>
</tbody>
</table>
An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,946,187,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,008,563,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of
temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,885,740,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,207,743,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,122,466,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,355,523,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent
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For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $784,586,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,242,422,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,259,627,000. [Total, title I, Military personnel, $69,191,008,000.]

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and...
extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $18,321,965,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

**Operation and Maintenance, Navy**

*(including transfer of funds)*

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,279,425,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated under this heading, $595,100,000 shall be available only for the liquidation of prior year accumulated operating losses of the Department of the Navy activities included in the Defense Business Operations Fund.

**Operation and Maintenance, Marine Corps**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,392,522,000.

**Operation and Maintenance, Air Force**

*(including transfer of funds)*

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,561,267,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That the Secretary of the Air Force may acquire all right, title, and interest of any party in and to parcels of real property, including improvements thereon, consisting of not more than 92 acres, located near King Salmon Air Force Station for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program.

**Operation and Maintenance, Defense-Wide**

*(including transfer of funds)*

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,388,595,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of
which not to exceed $28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That of the funds appropriated under this heading, $20,000,000 shall be made available only for use in federally owned education facilities located on military installations for the purpose of transferring title of such facilities to the local education agency: Provided further, That of the funds available under this heading, $300,000,000 shall be available only for transfer to the Coast Guard in support of the national security functions of the Coast Guard, while operating in conjunction with and in support of the Navy: Provided further, That funds transferred pursuant to this section are in addition to transfer authority provided elsewhere in this Act.

**Operation and Maintenance, Army Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,119,191,000.

**Operation and Maintenance, Navy Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $859,542,000.

**Operation and Maintenance, Marine Corps Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $100,283,000.

**Operation and Maintenance, Air Force Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,519,287,000.

**Operation and Maintenance, Army National Guard**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; $1,519,287,000.

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1 Transfer to Coast Guard, Department of Transportation shown for reference purpose only.
travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,440,808,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,776,121,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES
For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,521,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE
(INCLUDING TRANSFER OF FUNDS)
For the Department of Defense; $1,422,200,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same period as the appropriations of funds to which transferred, as follows:

Operation and Maintenance, Army, $631,900,000;
Operation and Maintenance, Navy, $365,300,000;
Operation and Maintenance, Air Force, $368,000,000; and
Operation and Maintenance, Defense-Wide, $57,000,000:
Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary
for the purposes provided herein, such amounts may be transferred back to this appropriation.

**Summer Olympics**

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $15,000,000: Provided, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

**Overseas Humanitarian, Disaster, and Civic Aid**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $50,000,000: Provided, That of the funds available under this heading, $20,000,000 shall be available for training and activities related to the clearing of landmines for humanitarian purposes.

**Former Soviet Union Threat Reduction**

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $300,000,000 to remain available until expended.

[Total, title II, Operation and maintenance, $81,552,727,000.]

**Title III**

**Procurement**

**Aircraft Procurement, Army**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,558,805,000, to remain available for obligation until September 30, 1998: Provided, That not less than nine UH–60L helicopters shall be made available to the Army National Guard for the medical evacuation mission.
For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $865,555,000, to remain available for obligation until September 30, 1998.

**PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY**

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,652,745,000, to remain available for obligation until September 30, 1998.

**PROCUREMENT OF AMMUNITION, ARMY**

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,110,685,000, to remain available for obligation until September 30, 1998.

**OTHER PROCUREMENT, ARMY**

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment,
appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,769,443,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,589,394,000, to remain available for obligation until September 30, 1998.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,669,827,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $430,053,000, to remain available for obligation until September 30, 1998.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor,
and such lands and interests therein, may be acquired, and
construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN–21 attack submarine program,

$700,000,000;
NSSN–1 (AP), $704,498,000;
NSSN–2 (AP), $100,000,000;
CVN Refuelings, $221,988,000;
DDG–51 destroyer program, $2,169,257,000;
LHD–1 amphibious assault ship program, $1,300,000,000;
LPD–17 amphibious transport dock ship, $974,000,000;
Fast patrol craft, $9,500,000;
T–AGS–64 multi-purpose oceanographic survey ship,

$16,000,000;
LSD–52, $20,000,000; and

For craft, outfitting, post delivery, conversions, and first
destination transportation, $428,715,000;

In all: $6,643,958,000, to remain available for obligation until
September 30, 2000: Provided, That additional obligations may
be incurred after September 30, 2000, for engineering services,
tests, evaluations, and other such budgeted work that must be
performed in the final stage of ship construction: Provided further,
That none of the funds herein provided for the construction or
conversion of any naval vessel to be constructed in shipyards in
the United States shall be expended in foreign facilities for the
construction of major components of such vessel: Provided further,
That none of the funds herein provided shall be used for the
construction of any naval vessel in foreign shipyards.

**Other Procurement, Navy**

For procurement, production, and modernization of support
equipment and materials not otherwise provided for, Navy ordnance
(except ordnance for new aircraft, new ships, and ships authorized
for conversion); the purchase of not to exceed 252 passenger motor
vehicles for replacement only; expansion of public and private
plants, including the land necessary therefor, and such lands and
interests therein, may be acquired, and construction prosecuted
thereon prior to approval of title; and procurement and installation
of equipment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-owned equip-
ment layaway; $2,483,581,000, to remain available for obligation
until September 30, 1998.

**Procurement, Marine Corps**

For expenses necessary for the procurement, manufacture, and
modification of missiles, armament, military equipment, spare
parts, and accessories therefor; plant equipment, appliances, and
machine tools, and installation thereof in public and private plants;
reserve plant and Government and contractor-owned equipment
layaway; vehicles for the Marine Corps, including the purchase
of not to exceed 194 passenger motor vehicles for replacement
only; and expansion of public and private plants, including land
necessary therefor, and such lands and interests therein, may be
acquired and construction prosecuted thereon prior to approval
of title; $458,947,000, to remain available for obligation until
AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,367,983,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,943,931,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $338,800,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor; not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $260,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests...
therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,284,230,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,124,379,000, to remain available for obligation until September 30, 1998.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $777,000,000, to remain available for obligation until September 30, 1998: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

[Total, title III, Procurement, $44,069,316,000.]

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,870,684,000, to remain available for obligation until September 30, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,748,132,000, to remain available for obligation until September 30, 1997: Provided, That of the funds provided in Public Law 103–335, in title IV, under the heading "Research, Development, Test and Evaluation, Navy", $5,000,000 shall be made available as a grant only to the Marine and Environmental Research and Training Station (MERTS) for laboratory and other efforts associated with research, development, and other programs of major importance to the Department of Defense; Provided further, That
funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces.

RESOURCES, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,126,567,000, to remain available for obligation until September 30, 1997: Provided, That of the funds made available in this paragraph, $25,000,000 shall be only for development of reusable launch vehicle technologies: Provided further, That not less than $9,500,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and the Global Seismographic Network.

RESOURCES, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,411,057,000, to remain available for obligation until September 30, 1997: Provided, That not less than $200,442,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That the funds made available under the second proviso under this heading in Public Law 103-335 (108 Stat. 2613) shall also be available to cover the reasonable costs of the administration of loan guarantees referred to in that proviso and shall be available to cover such costs of administration and the costs of such loan guarantees until September 30, 1998.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,082,000, to remain available for obligation until September 30, 1997.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $22,587,000, to remain available for obligation until September 30, 1997.

[Total, title IV, Research, development, test and evaluation, $36,430,109,000.]
DEPARTMENT OF DEFENSE APPROPRIATIONS, 1996

PUBLIC LAW 104–61—DEC. 1, 1995

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $878,700,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $1,024,220,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That the Secretary of the Navy may obligate not to exceed $110,000,000 from available appropriations to the Navy for the procurement of one additional MPS ship.

[Total, title V, Revolving and management funds, $1,902,920,000.]

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,226,358,000, of which $9,938,325,000 shall be for Operation and maintenance, of which $288,033,000, to remain available for obligation until September 30, 1998, shall be for Procurement: Provided, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That the date for implementation of the nation-wide managed care military health services system shall be extended to September 30, 1997: Provided further, That of the funds provided under this heading, $3,400,000 is available only to permit private sector or non-Federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead decaying spherical bacteria to work in conjunction
with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans.

**Chemical Agents and Munitions Destruction, Defense**

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $672,250,000, of which $353,850,000 shall be for Operation and maintenance, $265,000,000 shall be for Procurement to remain available until September 30, 1998, and $53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

**Drug Interdiction and Counter-Drug Activities, Defense**

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $688,432,000: Provided, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

**Office of the Inspector General**

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $178,226,000, of which $177,226,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000 to remain available until September 30, 1998, shall be for Procurement.

[Total, title VI, Other Department of Defense programs, $11,765,266,000.]

**TITLE VII**

**Related Agencies**

**Central Intelligence Agency Retirement and Disability System Fund**

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $213,900,000.
NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, $7,500,000, to be derived from the National Security Education Trust Fund, to remain available until expended: Provided, That any individual accepting a scholarship or fellowship from this program agrees to be employed by the Department of Defense or in the Intelligence Community in accordance with Federal employment standards.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; $90,683,000.

KAHO’OLawe ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho‘olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law; $25,000,000, to remain available until expended.

[Total, title VII, Related Agencies, $337,083,000.]

TITLE VIII

GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Sec. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Sec. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.
SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,400,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds and the “Foreign Currency Fluctuations, Defense” and “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source: Provided further, That none of the funds available to the Department of Defense in this Act shall be used...
by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

Sec. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

Sec. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1995 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

Sec. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

UH-60 Blackhawk helicopter; Apache Longbow helicopter; and M1A2 tank upgrade.

Sec. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code,
for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 1996, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1997.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds provided in this Act shall be available either to return any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8014. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated for the Department of Defense during the current fiscal year and hereafter shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve.
troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

Sec. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

Sec. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code.

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen non-combat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

Sec. 8019. Funds appropriated for the Department of Defense during the current fiscal year and hereafter shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.
SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8021. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8022. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8023. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service
for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

Sec. 8024. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

Sec. 8025. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

Sec. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

Sec. 8027. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense’s budget submission for fiscal year 1997 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, and the Committee on International Relations of the House of Representa-
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Section 8027. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, or M-1911 pistols.

Section 8029. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

Section 8030. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

Section 8031. None of the funds appropriated during the current fiscal year and hereafter, may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: Provided, That savings that result from this provision are represented as such in future budget proposals.

Section 8032. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: Provided, That funds necessary for the care of animals covered by this contract are allowed.

Section 8033. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

Section 8034. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

Section 8035. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government.
Sec. 8036. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

Sec. 8037. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

Sec. 8038. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

Sec. 8039. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1996 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills:

Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

Sec. 8040. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.
SEC. 8041. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8042. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46–48).

SEC. 8043. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility’s direct budget amount.

SEC. 8044. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8045. Of the funds made available in this Act, not less than $25,144,000 shall be available for the Civil Air Patrol, of which $16,704,000 shall be available for Operation and Maintenance.

SEC. 8046. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) Limitation on Compensation.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.
(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8048. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8049. For the purposes of this Act, the term “congressional defense committees” means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8050. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further,
That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8051. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1996. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8052. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: Provided, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8053. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8054. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

SEC. 8055. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be
made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8056. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

Sec. 8057. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

Sec. 8058. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

Sec. 8059. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.


\(^{1}\text{CBO estimate.}\)
SEC. 8061. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8062. For fiscal year 1996, the total amount appropriated in this Act to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), shall not exceed $315,000,000.

SEC. 8063. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8064. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8065. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8066. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8067. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1997 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8068. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: Provided, That this prohibition shall not apply to safety modifications: Provided further,
That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

Sec. 8069. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions. (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations. (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

Sec. 8070. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1997.

Sec. 8071. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

Sec. 8072. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

Sec. 8073. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition and sustainment of operations, including maintenance of the supercomputing and related networking capability at (1) the DOD Science and Technology sites under the cognizance of the DDR&E, (2) the DOD Test and Evaluation centers under the Director, Test and Evaluation, OUSD (A&T), and (3) the Ballistic Missile Defense Organization: Provided, That the contracts, contract modifications, or contract options are awarded upon the requirements of the users.

Sec. 8074. Amounts collected for the use of the facilities of the National Science Foundation for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

Sec. 8075. To the extent authorized in law, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected

1 CBO estimate.
by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees of Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program.

SEC. 8076. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8077. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 8078. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8079. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8080. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947
Sec. 8081. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) $115,226,000 made available in this Act for Research, Development, Test and Evaluation, Air Force, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies.

Sec. 8082. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1996, except for field operating agencies funded within the National Foreign Intelligence Program: Provided, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

(RESCISSIONS)

Sec. 8083. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

``Missile Procurement, Air Force, 1994/1996'', $16,783,000;
``Weapons Procurement, Navy, 1995/1997'', $14,600,000;
``Shipbuilding and Conversion, Navy, 1995/1999'', $87,700,000;
``Other Procurement, Navy, 1995/1997'', $8,600,000;
``Aircraft Procurement, Air Force, 1995/1997'', $24,000,000;
``Missile Procurement, Air Force, 1995/1997'', $140,978,000;
``Other Procurement, Air Force, 1995/1997'', $180,000,000;
``Research, Development, Test and Evaluation, Army, 1995/1996'', $9,000,000;
``Research, Development, Test and Evaluation, Navy, 1995/1996'', $6,000,000;

Sec. 8084. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1996, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: Provided, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

Sec. 8085. None of the funds in this or any other Act may be used to implement the plan to reorganize the regional headquarters and basic camps structure of the Reserve Officer Training Corps program of the Army until the Comptroller General of the United States has certified to the congressional defense committees that the methodology and evaluation of the potential sites were

1 Total of rescissions.
consistent with the established criteria for the consolidation, that all data used by the Army in the evaluation was accurate and complete, and that the conclusions reached are based upon the total costs of the Army’s final plan to establish the Eastern Reserve Officer Training Corps Headquarters at Fort Benning, Georgia: Provided, That all cost, including Military Construction, shall be considered as well as an analysis of the impact of the consolidation on the surrounding communities for all affected installations.

SEC. 8086. None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $200,000 per year after July 1, 1996, unless the Office of Federal Procurement Policy establishes in the Federal Acquisition Regulations guidance governing the allowability of individual compensation.

SEC. 8087. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8088. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8089. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8090. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8091. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1995 level.

(TRANSFER OF FUNDS)

SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as
the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

- SSN-688 attack submarine program, $5,051,000;
- CG-47 cruiser program, $2,500,000;
- BB battleship reactivation, $4,400,000;
- T-AGOS SURTASS ship program, $2,135,000;
- LCAC landing craft air cushion program, $700,000;
- For craft, outfitting, post delivery, and cost growth, $12,360,000;
- Weapons Procurement, Navy, 1994/1996, $30,900,000;
- Other Procurement, Navy, 1994/1996, $4,200,000;
- Other Procurement, Navy, 1995/1997, $5,000,000;
- Aircraft Procurement, Navy, 1994/1996, $2,056,000;

To:

- MSH coastal mine hunter program, $69,302,000;

From:

Weapons Procurement, Navy 1994/1996, $5,500,000;

To:

- AOE combat support ship program, $5,500,000;

From:

- SSN-688 attack submarine program, $1,500,000;

To:

- T-ACS auxiliary crane ship program, $1,500,000;

From:

- SSN-688 attack submarine program, $23,535,000;
- DDG-51 destroyer program, $33,700,000;
- T-ATF fleet oiler program, $38,969,000;
- Other Procurement, Navy, 1995/1997, $3,500,000;

To:

- SSN-21 attack submarine program, $65,886,000;
- MHC coastal mine hunter program, $30,318,000;
- AOE combat support ship program, $3,500,000;

From:

- SSN-688 attack submarine program, $1,907,000;
- DDG-51 destroyer program, $22,669,000;

1Total transfers.
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To:
MHC coastal mine hunter, $9,536,000; T-AGOS surveillance ship program, $42,000,000; AOE combat support ship program, $2,000,000;

From:
SSN-21 attack submarine program, $18,330,000;

To:
LHD-1 amphibious assault ship program, $6,178,000; MHC coastal mine hunter program, $12,152,000;

From:
DDG-51 destroyer program, $5,315,000; For craft, outfitting, post delivery, and DBOF transfer, $9,675,000; For escalation, $3,347,000; Weapons Procurement, Navy, 1995/1997, $7,500,000; Procurement, Marine Corps, 1995/1997, $378,000; Other Procurement, Navy, 1995/1997, $355,000; Aircraft Procurement, Navy, 1995/1997, $3,600,000; Research, Development, Test and Evaluation, Navy, 1995/1996, $5,600,000;

To:
MHC coastal mine hunter program, $35,770,000;

From:
LSD-41 cargo variant ship program, $1,600,000; For craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $5,627,000; Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $1,784,000; Other Procurement, Navy, 1995/1997, $645,000; Weapons Procurement, Navy, 1994/1996, $1,963,000;

To:
DDG-51 destroyer program, $7,356,000;
AOE combat support ship program, $2,300,000;
MHC coastal mine hunter program, $1,963,000;

From:
MCS(C) program, $4,819,000;
Nuclear submarine main steam condensor industrial base, $900,000;

To:
LHD program, $5,719,000.

Sec. 8093. The Department shall include, in the operation of TRICARE Regions 7/8, a region-wide wraparound care package that requires providers of residential treatment services to share financial risk through case rate reimbursement, to include planning and individualized wraparound services to prevent recidivism.

Sec. 8094. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8095. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000.

Sec. 8096. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.
(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

Sec. 8097. Appropriations available in this Act under the heading “Operation and Maintenance, Defense-Wide” for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

Sec. 8098. Funds in the amount of $61,300,000 received during fiscal year 1996 by the Department of the Air Force pursuant to the “Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission”,

10 USC 374 note.
50 USC 403f note.
signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to the Memorandum, shall be merged with appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract as of the date of enactment of this Act, as well as on the follow-on launch services and program sustaining support contract to be awarded in fiscal year 1996.

SEC. 8099. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8100. Not less than 30 percent of the total inventory, or 60,000 pounds, of the pentaborane currently stored in non-defective containers at Edwards Air Force Base, California, will be retained until the Secretary of Energy certifies to the House and Senate Committees on Appropriations that the Secretary does not intend to use the pentaborane at the Idaho National Engineering Laboratory for: (a) a source of raw material for environmental remediation of high level, liquid radioactive waste, or (b) as a source of raw material for boron drugs for the Boron Neutron Capture Therapy or other medical or industrial applications: Provided, That the Secretary of the Air Force is authorized to dispose of any materials that pose a significant health or safety hazard.

SEC. 8101. The total amount appropriated in titles II, III, and IV of this Act is hereby reduced by $30,000,000 for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 8102. (a) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.
(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

Sec. 8103. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Sec. 8104. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Sec. 8105. The Department of Defense shall release all funds appropriated and available for the HAVE GAZE program to the Department of the Air Force for obligation under existing contractual arrangements.

Sec. 8106. None of the funds available to the Department of Defense during fiscal year 1996 may be obligated or expended to support or finance the activities of the Defense Policy Advisory Committee on Trade.

Sec. 8107. Notwithstanding any other provision of law, within the funds available in this Act, the Secretary of the Air Force may enter into agreements to modify leases of housing units being constructed if deemed to be in the best interest of the Department. The housing units shall be assigned, without rental charge, as family housing to members of the armed forces who are eligible for assignment to military family housing.

Sec. 8107A. Notwithstanding any other provision of law, the authorization for the Indiana, Pennsylvania armory project set forth in section 2601 of Public Law 102–484 (division B) shall remain in effect until September 30, 1997.

Sec. 8108. None of the funds appropriated by this Act shall be available to lease or charter a vessel in excess of seventeen months (inclusive of any option periods) to transport fuel or oil for the Department of Defense if the vessel was constructed after October 1, 1995 unless the Secretary of Defense requires that the vessel be constructed in the United States with a double hull under the long-term lease or charter authority provided in section 2401 note of title 10, United States Code: Provided, That this limitation shall not apply to contracts in force on the date of enactment of this Act: Provided further, That by 1997 at least 20 percent of annual leases and charters must be for ships of double hull design constructed after October 1, 1995 if available in numbers sufficient to satisfy this requirement: Provided further, That the Military Sealift Command shall plan to achieve the goal of eliminating single hull ship leases by the year 2015.

Sec. 8109. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop
or procure main propulsion engines for the LPD-17 class of ships unless such equipment is powered by a diesel engine manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8110. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop or procure an emergency generator set for the New Attack Submarine unless such equipment is powered by a diesel engine manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8111. None of the funds in this Act may be used to transport military personnel into Edwards Air Force Base for training rotations at the National Training Center after April 15, 1996: Provided, That the Department of Defense shall comply with the recommendations of the fiscal year 1996 Military Construction bill as it pertains to the interim and permanent National Training Center Airhead.

SEC. 8112. The Secretary of Defense and the Secretary of the Army shall reconsider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pays are provided under the Selected Reserve Incentive Program.

SEC. 8113. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8114. (a) Limitation.—Of the funds available under title II under the heading “Former Soviet Union Threat Reduction” for dismantlement and destruction of chemical weapons, not more
than $52,000,000 may be obligated or expended for that purpose
until the President certifies to Congress the following:

(1) That the United States and Russia have completed
a joint laboratory study evaluating the proposal of Russia to
neutralize its chemical weapons and the United States agrees
with the proposal.

(2) That Russia is in the process of preparing, with the
assistance of the United States as necessary, a comprehensive
plan to manage the dismantlement and destruction of the Rus-
sia chemical weapons stockpile.

(3) That the United States and Russia are committed to
resolving outstanding issues under the 1989 Wyoming Memo-
randum of Understanding and the 1990 Bilateral Destruction
Agreement.

(b) DEFINITIONS.—In this section:

(1) The term “1989 Wyoming Memorandum of Understand-
ing” means the Memorandum of Understanding between the
Government of the United States of America and the Govern-
ment of the Union of Soviet Socialist Republics Regarding a
Bilateral Verification Experiment and Data Exchange Related to
Prohibition on Chemical Weapons, signed at Jackson Hole,
Wyoming, on September 23, 1989.

(2) The term “1990 Bilateral Destruction Agreement”
means the Agreement between the United States of America
and the Union of Soviet Socialist Republics on destruction
and non-production of chemical weapons and on measures to
facilitate the multilateral convention on banning chemical
weapons signed on June 1, 1990.

SEC. 8115. (a) INTERNATIONAL PEACEKEEPING, PEACE ENFORCE-
MENT, AND HUMANITARIAN ASSISTANCE OPERATIONS.—It is the sense
of Congress that in the event of a deployment or participation
of United States Armed Forces units in any international peacekeep-
ing, peace enforcement, and humanitarian assistance operation,
the President must engage in consultations with the bipartisan
leadership of Congress and the congressional committees named
in subsection (e) regarding such operation in accordance with sub-
section (c)(1).

(b) COVERED OPERATIONS.—(1) This section applies to the fol-
going:

(A) Any international peacekeeping or peace-enforcement
operation that is not underway as of the date of the enactment
of this Act and that is authorized by the Security Council
of the United Nations under chapter VI or VII of the Charter
of the United Nations.

(B) Any other international peacekeeping or peace-enforce-
ment operation that is not underway as of the date of the
enactment of this Act.

(C) Any deployment after the date of the enactment of
this Act of United States ground forces in the territory of
the former Yugoslavia above the level of such forces so deployed
as of such date of enactment, other than a deployment involving
fewer than 100 personnel.

(D) Except as provided in paragraph (2), any international
humanitarian assistance operation.

(2) This section does not apply with respect to—

(A) an international humanitarian assistance operation car-
rried out in response to a disaster; or
(B) any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

(c) Consultation With Congress.—(1) Consultations under subsection (a) in the case of any operation shall be initiated before the initial deployment of United States Armed Forces units to participate in the operation and, whenever possible, at least 15 days before such deployment. However, if the President determines that the national security so requires, the President may delay the initiation of such consultations until after such initial deployment, but in no case may such consultations be initiated later than 48 hours after such deployment.

(2) Such consultations shall include discussion of all of the following:

(A) The goals of the operation and the mission of any United States Armed Forces units involved in the operation.
(B) The United States interests that will be served by the operation.
(C) The estimated cost of the operation.
(D) The strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries, or other donors.
(E) The extent of involvement of armed forces and other contributions of personnel from other nations.
(F) The anticipated duration and scope of the operation.

(3) Such consultations shall continue on a periodic basis throughout the period of the deployment.

(d) Requests for Emergency Supplemental Appropriations.—Whenever there is a deployment of United States Armed Forces to perform an international humanitarian, peacekeeping, or peace-enforcement operation, the President should seek emergency supplemental appropriations to meet the incremental costs to the Department of Defense of that deployment not later than 90 days after the date on which such deployment commences.

(e) Committees To Be Included In Consultations.—The committees referred to in subsection (a) are the following:

(1) The congressional defense committees.
(2) The Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.
(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Sec. 8116. (a) Findings.—The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.
(2) The People's Republic of China continues to conduct underground nuclear weapons tests.
(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.
(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states.
(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of a Comprehensive Test Ban Treaty.

SEC. 8117. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—
   (A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and
   (B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:
   (1) A description of the equipment, supplies, or services to be transferred.
   (2) A statement of the value of the equipment, supplies, or services to be transferred.
   (3) In the case of a proposed transfer of equipment or supplies—
      (A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and
      (B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8118. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.
SEC. 8119. None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense.

SEC. 8119A. The provision of section 8119 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or that the pregnancy is the result of an act of rape or incest.

SEC. 8120. None of the funds made available in this Act under the heading “Procurement of Ammunition, Army” may be obligated or expended for the procurement of munitions unless such acquisition fully complies with the Competition in Contracting Act.

SEC. 8121. None of the funds in this Act may be used to implement any change to the computation of military retired pay as required by law in fiscal year 1995 for military personnel who entered the Service before September 8, 1980.

SEC. 8122. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8123. None of the funds provided in title II of this Act for “Former Soviet Union Threat Reduction” may be obligated or expended to finance housing for any individual when it is made known to the Federal official having authority to obligate or expend such funds that such individual was a member of the military forces of the Soviet Union or that such individual is or was a member of the military forces of the Russian Federation.

SEC. 8124. It is the sense of Congress that none of the funds available to the Department of Defense shall be obligated or expended for the deployment or participation of United States Armed Forces in any peacekeeping operation in Bosnia-Herzegovina, unless such deployment or participation is specifically authorized by a law enacted after the date of enactment of this Act: Provided, That this section shall not apply to operations of the nature and extent conducted by United States Armed Forces in Bosnia-Herzegovina during fiscal year 1995, emergency air rescue operations, the airborne delivery of humanitarian supplies, or the planning and execution of OPLAN 40104 or similar operations to extract UNPROFOR personnel.

SEC. 8125. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions, to be distributed as follows:

- Operation and Maintenance, Army, $54,000,000;
- Operation and Maintenance, Navy, $80,000,000;
- Operation and Maintenance, Marine Corps, $9,000,000;
- Operation and Maintenance, Air Force, $51,000,000;
- Operation and Maintenance, Defense-Wide, $36,000,000;
- Operation and Maintenance, Army Reserve, $4,000,000;
- Operation and Maintenance, Navy Reserve, $4,000,000;
Operation and Maintenance, Marine Corps Reserve, $1,000,000;
Operation and Maintenance, Air Force Reserve, $3,000,000;
Operation and Maintenance, Army National Guard, $7,000,000;
Operation and Maintenance, Air National Guard, $7,000,000;
Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000;
Environmental Restoration, Defense, $11,000,000;
Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000;
Former Soviet Union Threat Reduction, $2,000,000;
Defense Health Program, $51,000,000;
Missile Procurement, Army, $5,000,000;
Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000;
Procurement of Ammunition, Army, $6,000,000;
Other Procurement, Army, $17,000,000;
Aircraft Procurement, Navy, $29,000,000;
Weapons Procurement, Navy, $13,000,000;
Shipbuilding and Conversion, Navy, $42,000,000;
Other Procurement, Navy, $18,000,000;
Procurement, Marine Corps, $4,000,000;
Aircraft Procurement, Air Force, $50,000,000;
Missile Procurement, Air Force, $29,000,000;
Other Procurement, Air Force, $45,000,000;
Procurement, Defense-Wide, $16,000,000;
Chemical Agents and Munitions Destruction, Defense, $5,000,000;
Research, Development, Test and Evaluation, Army, $20,000,000;
Research, Development, Test and Evaluation, Navy, $50,000,000;
Research, Development, Test and Evaluation, Air Force, $79,000,000;
Research, Development, Test and Evaluation, Defense-Wide, $57,000,000; and
Developmental Test and Evaluation, Defense, $2,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

Sec. 8126. Notwithstanding any other provision of law, of the revenue collected by the Defense Business Operations Fund, $117,000,000 shall be made available for obligation and expenditure for termination liability, lease and operational costs for aircraft to accomplish the VC-137 aircraft mission: Provided, That the funds made available pursuant to this section shall remain available until expended.

Sec. 8127. Funds appropriated by this and future Acts under the heading "Missile Procurement, Air Force" may be obligated for payment of satellite on-orbit incentives in the fiscal year in which an incentive payment is earned: Provided, That any obligation made pursuant to this section may not be entered into until 30 calendar days in session after the congressional defense commit-
tees have been notified that an on-orbit incentive payment has been earned.

SEC. 8128. (a) Not more than a total of $11,000,000 of the funds appropriated under the heading “Research, Development, Test and Evaluation, Army”, in title IV of Public Law 103–335, and in title IV of this Act, may be made available for support of a NATO Alliance Ground Surveillance (AGS) program based on the Joint Surveillance/Target Attack Radar System (JSTARS).

(b) Not more than a total of $6,450,000 of the funds appropriated under the heading “Research, Development, Test and Evaluation, Air Force”, in title IV of Public Law 103–335, and in title IV of this Act, may be made available for support of a NATO Alliance Ground Surveillance (AGS) program based on JSTARS.

SEC. 8129. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:

- “Research, Development, Test and Evaluation, Army”, $65,062,000;
- “Research, Development, Test and Evaluation, Navy”, $116,909,000;
- “Research, Development, Test and Evaluation, Air Force”, $175,386,000; and

(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R-1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

SEC. 8130. Notwithstanding any other provision of law, fixed and mobile telecommunications support shall be provided by the White House Communications Agency (WHCA) to the United States Secret Service (USSS), without reimbursement, in connection with the Secret Service’s duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President at the White House Security Complex in the Washington, D.C. Metropolitan Area and Camp David, Maryland. For these purposes, the White House Security Complex includes the White House, the White House grounds, the Old Executive Office Building, the New Executive Office Building, the Blair House, the Treasury Building, and the Vice President’s Residence at the Naval Observatory.
This Act may be cited as the "Department of Defense Appropriations Act, 1996".  
[Total, title VIII, General Provisions, − $1,947,132,000.]

Note by the Office of the Federal Register: The foregoing Act, having been presented to the President of the United States on Saturday, November 18, 1995, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become law without his signature on December 1, 1995.

LEGISLATIVE HISTORY—H.R. 2126 (S. 1087):
HOUSE REPORTS: Nos. 104–208 (Comm. on Appropriations) and 104–261 and 104–344 (both from Comm. of Conference).
SENATE REPORTS: No. 104–124 accompanying S. 1087 (Comm. on Appropriations).
July 31, Sept. 7, considered and passed House.
Aug. 10, 11, Sept. 5, S. 1087 considered and passed Senate.
Sept. 8, H.R. 2126 considered and passed Senate, amended, in lieu of S. 1087.
Sept. 29, House rejected conference report.
Nov. 16, House and Senate agreed to conference report.
Nov. 30, Presidential statement.

Net grand total, Department of Defense Appropriations Act, 1996 .................................................... 1 $242,301,297,000
Appropriations ................................................ (243,812,514,000)
Rescissions ...................................................... (−561,217,000)
By transfer .......................................................... (150,000,000)

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Department of Defense for fiscal year 1996:

Permanent appropriations:
Federal funds ................................................................................... 100,000
Trust funds ...................................................................................... 489,985,000
Military Construction Appropriations Act, 1996 (net) ..................... 11,177,009,000
Supplemental, Rescissions and Offsets, 1996 (Public Law 104–134) ......................................................... 962,400,000
Rescissions ................................................................................... (−1,032,400,000)
Defense Supplemental, 1995 (Public Law 104–6) ................................ 50,000,000

Net subtotal, additions ................................................................ 11,547,094,000

Deduct amounts transferred to General Government totals:
General Government:
Central Intelligence Agency Retirement and Disability System Fund ................................................................................................. 213,900,000
Intelligence Community Management Account ................................................. 90,683,000
National Security Education Trust Fund .................................................. 7,500,000
Kaho`olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund ................. 25,000,000

Subtotal, deductions ........................................................................ −337,083,000

Net total, Department of Defense ..................................................... 253,511,308,000

1 Excludes budget scorekeeping adjustment of − $561,217,000 that was counted as part of the conference report (104–261) total of $243,251,297,000.
DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-134
DISTRICT OF COLUMBIA APPROPRIATIONS, 1996

110 STAT. 110th Congress
PUBLIC LAW 104-134—APR. 26, 1996

*Public Law 104-134
104th Congress

An Act

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

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

SECTION 101(b). For programs, projects or activities in the
District of Columbia Appropriations Act, 1996, provided as follows,
to be effective as if it had been enacted into law as the regular
appropriations Act:

AN ACT

Making appropriations for the government of the District of
Columbia and other activities chargeable in whole or in part against
the revenues of said District for the fiscal year ending September
30, 1996, and for other purposes.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year
ending September 30, 1996, $660,000,000, as authorized by section
502(a) of the District of Columbia Self-Government and Govern-
mental Reorganization Act, Public Law 93-198, as amended (D.C.
Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire
Fighters', Teachers', and Judges' Retirement Funds, as authorized
by the District of Columbia Retirement Reform Act, approved
November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.
[Total, Federal funds to the District of Columbia, $712,070,000.]

DIVISION OF EXPENSES

The following amounts are appropriated for the District of
Columbia for the current fiscal year out of the general fund of
the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,130,000 and 1,498
full-time equivalent positions (end of year) (including $117,464,000
and 1,158 full-time equivalent positions from local funds, $2,464,000
and 5 full-time equivalent positions from Federal funds, $4,474,000
and 71 full-time equivalent positions from other funds, and
$24,728,000 and 264 full-time equivalent positions from intra-Dist-
trict funds): Provided, That not to exceed $2,500 for the Mayor,
$2,500 for the Chairman of the Council of the District of Columbia,
and $2,500 for the City Administrator shall be available from this
appropriation for expenditures for official purposes; Provided fur-
ther, That any program fees collected from the issuance of debt

* Note: This is a typeset print of the original hand enrollment as signed by the President on
April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible
text in the original.
shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $29,500,000 is for pay-as-you-go capital projects of which $1,500,000 shall be for a capital needs assessment study, and $28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this paragraph, of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: Provided further, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress: Provided further, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including $68,203,000 and 698 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 258 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall
be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

**Public Safety and Justice**

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including $940,631,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardian-
ship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

**Public Education System**

Public education system, including the development of national defense education programs, $795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including $676,251,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $580,996,000 and 10,167 full-time equivalent positions (including $498,310,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $111,800,000 (including $111,000,000 from local funds and $800,000 from intra-District funds) shall be allocated for the District of Columbia Teach-
ers’ Retirement Fund; $79,396,000 and 1,079 full-time equivalent positions (including $45,377,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions (including $19,839,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

**Human Support Services**

Human support services, $1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,076,856,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,799,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): Provided, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees’ disability compensation: Provided further, That this District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

**Public Works**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and
1,914 full-time equivalent positions (end-of-year) (including $225,915,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation’s Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,698,000 from local funds.

PAY NEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegoti-

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), $4,563,000 from local funds: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this title in the amount of $500,000: Provided, That this provision shall not apply to any board or commission established under title II of this Act.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000.
within one or several of the various appropriation headings in this Title.

**CAPITAL OUTLAY**

**(INCLUDING RESCISSIONS)**

For construction projects, $168,222,000 (including $82,850,000 from local funds and $85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: Provided further, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.  [Net total, $62,562,000.]

**WATER AND SEWER ENTERPRISE FUND**

For the Water and Sewer Enterprise Fund, $242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including $237,076,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set
forth in this Act under the Capital Outlay appropriation title shall
apply to projects approved under this appropriation title.

[Total, Water and Sewer Enterprise Fund, $281,730,000.]

**LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end-of-year) (including $7,950,000 and 88 full-time equivalent positions for administrative expenses and $222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District’s own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**CABLE TELEVISION ENTERPRISE FUND**

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end-of-year) (including $2,019,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $572,000 shall be transferred to the general fund of the District of Columbia.

**STARPLEX FUND**

For the Starplex Fund, $6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

**D.C. GENERAL HOSPITAL**

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer as intra-District funds from the general fund, $52,684,000 is to be derived from the other funds, and $5,615,000 is to be derived from intra-District funds.
D.C. Retirement Board

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), $13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $10,516,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $7,101,000 and 44 full-time equivalent positions from intra-District funds).

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

District of Columbia Financial Responsibility and Management Assistance Authority


[Total, Enterprise funds, $5,096,039,000.]

Personal and Nonpersonal Services Adjustments

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104-8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $150,907,000, within or among one or several of the various appropriation headings in this Title, pursuant to section 208 of Public Law 104-8, approved April 17, 1995 (109 Stat. 134).

[Total, District of Columbia funds, 1996, $5,096,039,000.]
SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).


SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit
Sec. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104-8, approved April 17, 1995.

Sec. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Sec. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Sec. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur,
or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.


SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.
SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—
(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows: "(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

“(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

“(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated. 

“(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the contract concerned; 

“(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or 

“(C) funds appropriated for those payments. 

“(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.”.

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: “If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.”.

(B) A new subsection (a–2) is added to read as follows:

“(a–2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates
in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.”.

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

Sec. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase “or not-for-profit organizations.” in its place.

REPORTS ON REDUCTIONS

Sec. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

Sec. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing.

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been submitted to the Board of Education; and
(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center, responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

SEC. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996,
and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and
(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than May 1, 1996, and each February 15 thereafter.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

BUDGET APPROVAL

SEC. 142. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating
District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

**POSITION VACANCIES**

Sec. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

**MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES**


(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

"(13A) The term 'nonschool-based personnel' means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students."

and

(B) by inserting after paragraph (15), the following new paragraph:

"(15A) The term 'school administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools."

(2) in section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)(L)—

(A) by striking "'(L) reduction-in-force'" and inserting "'(L)(i) reduction-in-force'"; and

(B) by inserting after subparagraph (L)(i), the following new clause:
“(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;”;

and

(3) in section 2402 (D.C. Code, sec. 1-625.2), by adding at the end the following new subsection:

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”.

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

CAPITAL PROJECT EMPLOYEES

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: “A personnel authority may establish lesser competitive areas within an
agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.

(b) A new section 2406 is added to read as follows:

"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to August 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—"
“(1) four years for an employee who qualified for veteran’s preference under this Act, and
“(2) three years for an employee who qualified for residency preference under this Act.
“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.
“(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.
“(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.
“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section”.

OPERATING EXPENSES AND GRANTS

SEC. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption “Division of Expenses” shall not exceed $4,994,000,000 of which $165,339,000 shall be from intra-District funds.

(1) In general.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of Chief Financial Officer report and Financial Responsibility and Management Assistance Authority approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8.

(3) Prohibition on spending in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.
(4) Monthly Reports.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

DEVELOPMENT OF PLANS REGARDING DISTRICT OF COLUMBIA CORRECTIONS

SEC. 151. (a) Plan for Short-Term Improvements.—

(1) In General.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a plan for short-term improvements in the administration of the District of Columbia Department of Corrections (hereafter referred to as the “Department”) and the administration and physical plant of the Lorton Correctional Complex (hereafter referred to as the “Complex”) which may be initiated during a period not to exceed 5 months.

(2) Contents of Plan.—The plan developed under paragraph (1) shall address the following issues:

(A) The reorganization of the central office of the Department, including the consolidation of units and the redeployment of personnel.

(B) The establishment of a centralized inmate classification unit.

(C) The implementation of a revised classification system for sentenced inmates.

(D) The development of a projection for the number of inmates under the authority of the Department over a 10-year period.

(E) The improvement of Department security operations.

(F) Capital improvements.

(G) The preparation of a methodology for developing and assessing options for the long-term status of the Complex and the Department (consistent with the requirements for the development of plans under subsection (b)).

(H) Other appropriate miscellaneous issues.

(3) Submission of Plan.—Upon completing the plan under paragraph (1) (but in no event later than September 30, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) Optional Plans for Long-Term Treatment of Complex.—

(1) In General.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a series of alternative plans regarding the long-term status of the Complex and the future operations of the Department, including the following:

Contracts.
(A) A separate plan under which the Complex will
be closed and inmates transferred to new facilities con-
structed and operated by private entities.

(B) A separate plan under which the Complex will
remain in operation under the management of the District
of Columbia subject to such modifications as the District
considers appropriate.

(C) A separate plan under which the Federal govern-
ment will operate the Complex and inmates will be sen-
tenced and treated in accordance with guidelines applicable
to Federal prisoners.

(D) A separate plan under which the Complex will
be operated under private management.

(E) Such other plans as the District of Columbia con-
sider appropriate.

(2) Requirements for plans.—Each of the alternative
plans developed under paragraph (1) shall meet the following
requirements:

(A) The plan shall provide for an appropriate transition
period for implementation (not to exceed 5 years) to begin
January 1, 1997.

(B) The plan shall specify the extent to which the
Department will utilize alternative and cost-effective
management methods, including the use of private manage-
ment and vendors for the operation of the facilities and
activities of the Department, including (where appropriate)
the Complex.

(C) The plan shall include an implementation schedule
specifying timetables for the completion of all significant
activities, including site selection for new facilities, design,
financing, construction, recruitment and hiring of person-
nel, training, adoption of new policies and procedures, and
the establishment of essential administrative organiza-
tional structures to carry out the plan.

(D) In determining the bed capacity required for the
Department through 2002, the plan shall use the popu-
lation projections developed under the plan under sub-
section (a).

(E) The plan shall identify any Federal or District
legislation which is required to be enacted, and any District
regulations, policies, or procedures which are required to
be adopted, in order for the plan to take effect.

(F) The plan shall take into account any court orders
and consent decrees in effect with respect to the Depart-
ment and shall describe how the plan will enable the
District to comply with such orders and decrees.

(G) The plan shall include estimates of the operating
and capital expenses for the Department for each year
of the plan’s transition period, together with the primary
assumptions underlying such estimates.

(H) The plan shall require the Mayor of the District
of Columbia to submit a semi-annual report to the Presi-
dent, Congress, and the District of Columbia Financial
Responsibility and Management Assistance Authority
describing the actions taken by the District under the
plan, and in addition shall require the Mayor to regularly
report to the President, Congress, and the District of
Columbia Financial Responsibility and Management Assistance Authority on all measures taken under the plan as soon as such measures are taken.

(I) For each year for which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) SUBMISSION OF PLAN.—Upon completing the development of the alternative plans under paragraph (1) (but in no event later than December 31, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

CHIEF FINANCIAL OFFICER POWERS

SEC. 152. Notwithstanding any other provision of law, for the fiscal years ending September 30, 1996 and September 30, 1997—
(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.
The Controller of the District of Columbia.
The Office of the Budget.
The Office of Financial Information Services.
The Department of Finance and Revenue.
The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104–8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) the Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1993, approved December 24, 1973 (87 Stat. 774; Public Law 93–198), as amended, for fiscal years 1996, 1997 and 1998, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provisions of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility
and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) Availability of Certain Federal Benefits for Individuals Who Become Employed by the Authority.—

(1) Former Federal Employees.—Subsection (e) of section 102 of such Act is amended to read as follows:
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(e) Preservation of Retirement and Certain Other Rights of Federal Employees Who Become Employed by the Authority.—

“(1) In General.—Any Federal employee who becomes employed by the Authority—

“(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

“(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual’s service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

“(2) Effect of an Election.—An election made by an individual under the provisions of paragraph (1)(A)—

“(A) shall qualify such individual for the treatment described in such provisions for purposes of—

“(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

“(ii) chapter 87 of such title (relating to life insurance); and

“(iii) chapter 89 of such title (relating to health insurance); and

“(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

“(3) Conditions for an Election to be Effective.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

“(A) it is made before such individual separates from service with the Federal Government; and

“(B) such individual’s service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

“(4) Contributions.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

“(5) Regulations.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

“(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;
“(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and
“(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.”.

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:
“(f) FEDERAL BENEFITS FOR OTHERS.—
“(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

“(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

“(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

“(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

“(3) DEFINITION OF ‘CORRESPONDING OFFICE OR AGENCY’.—For purposes of paragraph (1), the term ‘corresponding office or agency of the government of the District of Columbia’ means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

“(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting ‘the Executive Director referred to in section 8474 of title 5, United States Code’ for ‘the Office of Personnel Management’.

“(3) ‘Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under
section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) Exception.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) Election for Employees Appointed During Interim Period.—

(i) From the Federal Government.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) Other Individuals.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) Exemption From Liability for Claims for Authority Employees.—Section 104 of such Act is amended—

(1) by striking “the Authority and its members” and inserting “the Authority, its members, and its employees”; and
(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges; (B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or (C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

(b) EPA GRANT ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or (B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 283
110 STAT. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979) to the D.C. Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

**CONVEYANCE OF CERTAIN PROPERTY TO ARCHITECT OF THE CAPITOL**

SEC. 156. Pursuant to section 1(b)(2) of Public Law 98-340 and in accordance with the agreement entered into between the Architect of the Capitol and the District of Columbia pursuant to such Act (as executed on September 28, 1984), not later than 30 days after the date of the enactment of this Act the District of Columbia shall convey without consideration by general warranty deed to the Architect of the Capitol on behalf of the United States all right, title, and interest of the District of Columbia in the real property (including improvements and appurtenances thereon) within the area known as "D.C. Village" and described in Attachment A of the agreement.

This title may be cited as the "District of Columbia Appropriations Act, 1996".

**TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM**

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) **AUTHORITY.**—The term "Authority" means the District of Columbia Financial Responsibility and Management Assist-
ance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) **AVERAGE DAILY ATTENDANCE.**—The term “average daily attendance” means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—
   (A) the school is in session; and
   (B) the students of the school are under the guidance and direction of teachers.

(4) **AVERAGE DAILY MEMBERSHIP.**—The term “average daily membership” means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which—
   (A) the school is in session; and
   (B) the students of the school are under the guidance and direction of teachers.

(5) **BOARD OF EDUCATION.**—The term “Board of Education” means the Board of Education of the District of Columbia.

(6) **BOARD OF TRUSTEES.**—The term “Board of Trustees” means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) **CONSENSUS COMMISSION.**—The term “Consensus Commission” means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle H.

(8) **CORE CURRICULUM.**—The term “core curriculum” means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.


(10) **DISTRICT OF COLUMBIA GOVERNMENT.**—
   (A) **IN GENERAL.**—The term “District of Columbia Government” means the government of the District of Columbia, including—
   (i) any department, agency, or instrumentality of the government of the District of Columbia;
   (ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;
   (iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;
   (iv) the courts of the District of Columbia;
   (v) the District of Columbia Council; and
   (vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale
of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTION.—The term “District of Columbia Government” neither includes the Authority nor a public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term “District of Columbia Government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term “District of Columbia public school” means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) EXCEPTION.—The term “District of Columbia public school” does not include a public charter school.

(13) DISTRICTWIDE ASSESSMENTS.—The term “districtwide assessments” means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia’s content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia’s content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students’ knowledge and abilities.

(14) ELECTRONIC DATA TRANSFER SYSTEM.—The term “electronic data transfer system” means a computer-based process for the maintenance and transfer of student records designed
to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) ELEMENTARY SCHOOL.—The term “elementary school” means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) ELIGIBLE APPLICANT.—The term “eligible applicant” means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) ELIGIBLE CHARTERING AUTHORITY.—The term “eligible chartering authority” means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) FAMILY RESOURCE CENTER.—The term “family resource center” means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) INDIVIDUAL CAREER PATH.—The term “individual career path” means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) LITERACY.—The term “literacy” means—

(A) in the case of a minor student, such student’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student’s goals, and develop such student’s knowledge and potential; and

(B) in the case of an adult, such adult’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult’s goals, and develop such adult’s knowledge and potential.

(21) LONG-TERM REFORM PLAN.—The term “long-term reform plan” means the plan submitted by the Superintendent under section 2101.

(22) MAYOR.—The term “Mayor” means the Mayor of the District of Columbia.

(23) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.
(24) **Minor Student.**—The term “minor student” means an individual who—
   (A) is enrolled in a District of Columbia public school or a public charter school; and
   (B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(25) **Nonresident Student.**—The term “nonresident student” means—
   (A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or
   (B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) **Parent.**—The term “parent” means a person who has custody of a child, and who—
   (A) is a natural parent of the child;
   (B) is a stepparent of the child;
   (C) has adopted the child; or
   (D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) **Petition.**—The term “petition” means a written application.

(28) **Promotion Gate.**—The term “promotion gate” means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle C.

(29) **Public Charter School.**—The term “public charter school” means a publicly funded school in the District of Columbia that—
   (A) is established pursuant to subtitle B; and
   (B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) **Public Charter School Board.**—The term “Public Charter School Board” means the Public Charter School Board established under section 2214.

(31) **Secondary School.**—The term “secondary school” means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) **Student with Special Needs.**—The term “student with special needs” means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) **Superintendent.**—The term “Superintendent” means the Superintendent of the District of Columbia public schools.
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(34) TEACHER.—The term “teacher” means any person employed as a teacher by the Board of Education or by a public charter school.

SEC. 2003. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.
(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2321.
(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) Other Information.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee’s immediate supervisor or superior.

(c) Amendments.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

SEC. 2102. SUPERINTENDENT’S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District
of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

SEC. 2103. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

Subtitle B—Public Charter Schools

SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) PRIVATE OR INDEPENDENT SCHOOL.—An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or
independent school into a public charter school, shall file with
an eligible chartering authority for approval a petition to establish
a public charter school that meets the requirements of section
2202.

SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter
school shall include the following:

(1) A statement defining the mission and goals of the
proposed school and the manner in which the school will con-
duct any districtwide assessments.

(2) A statement of the need for the proposed school in
the geographic area of the school site.

(3) A description of the proposed instructional goals and
methods for the proposed school, which shall include, at a
minimum—

(A) the area of focus of the proposed school, such as
mathematics, science, or the arts, if the school will have
such a focus;

(B) the methods that will be used, including classroom
technology, to provide students with the knowledge, pro-
ficiency, and skills needed—

(i) to become nationally and internationally
competitive students and educated individuals in the
21st century; and

(ii) to perform competitively on any districtwide
assessments; and

(C) the methods that will be used to improve student
self-motivation, classroom instruction, and learning for all
students.

(4) A description of the scope and size of the proposed
school’s program that will enable students to successfully
achieve the goals established by the school, including the grade
levels to be served by the school and the projected and maxi-
mum enrollment of each grade level.

(5) A description of the plan for evaluating student aca-
demic achievement at the proposed school and the procedures
for remedial action that will be used by the school when the
academic achievement of a student falls below the expectations
of the school.

(6) An operating budget for the first 2 years of the proposed
school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual
audits of the financial, administrative, and programmatic
operations of the school;

(B) either—

(i) an identification of the site where the school
will be located, including a description of any buildings
on the site and any buildings proposed to be con-
structed on the site; or

(ii) a timetable by which such an identification
will be made;

(C) a description of any major contracts planned, with
a value equal to or exceeding $10,000, for equipment and
services, leases, improvements, purchases of real property,
or insurance; and
(D) a timetable for commencing operations as a public charter school.
(7) A description of the proposed rules and policies for governance and operation of the proposed school.
(8) Copies of the proposed articles of incorporation and bylaws of the proposed school.
(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.
(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.
(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.
(12) An explanation of the qualifications that will be required of employees of the proposed school.
(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.
(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.
(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.
(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:
   (A) The Middle States Association of Colleges and Schools.
   (B) The Association of Independent Maryland Schools.
   (C) The Southern Association of Colleges and Schools.
   (D) The Virginia Association of Independent Schools.
   (E) American Montessori Internationale.
   (F) The American Montessori Society.
   (G) The National Academy of Early Childhood Programs.
   (H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.
(17) In the case that the proposed school’s educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.
(18) An explanation of the relationship that will exist between the public charter school and the school’s employees.
(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals...
SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.

(a) SCHEDULE.—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL.—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) DENIAL EXPLANATION.—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the
approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) Charter.—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to such provisions in the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) Number of Petitions.—

1. First Year.—For academic year 1996±1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

2. Subsequent Years.—For academic year 1997±1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) Exclusive Authority of the Eligible Chartering Authority.—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) Duties.—A public charter school shall comply with all of the terms and provisions of its charter.

(b) Powers.—A public charter school shall have the following powers:

1. To adopt a name and corporate seal, but only if the name selected includes the words “public charter school”.

2. To acquire real property for use as the public charter school’s facilities, from public or private sources.

3. To receive and disburse funds for public charter school purposes.

4. Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

5. To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

6. To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

   (A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

   (B) maintains for financial reporting purposes separate accounts for grants or gifts.

7. To be responsible for the public charter school’s operation, including preparation of a budget and personnel matters.
(8) To sue and be sued in the public charter school's own name.

(c) Prohibitions and Other Requirements.—

(1) Contracting Authority.—

(A) Notice Requirement.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) Submission to the Authority.—

(i) Deadline for Submission.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) Effective Date of Contract.—

(I) In General.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) Exception.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) Tuition.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) Control.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) Health and Safety.—A public charter school shall maintain the health and safety of all students attending such school.

(6) **Governance.** A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) **Other Staff.** No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) **Other Students.** No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) **Taxes or Bonds.** A public charter school shall not levy taxes or issue bonds.

(10) **Charter Revision.** A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) **Annual Report.**

(A) **In General.** A public charter school shall submit an annual report to the eligible chartering authority that approved its charter. The school shall permit a member of the public to review any such report upon request.

(B) **Contents.** A report submitted under subparagraph (A) shall include the following data:

(1) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding $500 during the year that is the subject of the report.

(C) **Nonidentifying Data.** Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.
(12) **CENSUS.**—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) **COMPLAINT RESOLUTION PROCESS.**—A public charter school shall establish an informal complaint resolution process.

(14) **PROGRAM OF EDUCATION.**—A public charter school shall provide a program of education which shall include one or more of the following:
   (A) Preschool.
   (B) Prekindergarten.
   (C) Any grade or grades from kindergarten through grade 12.
   (D) Residential education.
   (E) Adult, community, continuing, and vocational education programs.

(15) **NONSECTARIAN NATURE OF SCHOOLS.**—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) **NONPROFIT STATUS OF SCHOOL.**—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) **IMMUNITY FROM CIVIL LIABILITY.**—

   (A) **IN GENERAL.**—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

   (i) constitutes gross negligence;
   (ii) constitutes an intentional tort; or
   (iii) is criminal in nature.

   (B) **COMMON LAW IMMUNITY PRESERVED.**—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

**SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.**

(a) **BOARD OF TRUSTEES.**—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

   (1) a majority shall be residents of the District of Columbia;

   (2) at least 2 shall be parents of a student attending the school.

(b) **ELIGIBILITY.**—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

   (1) is a teacher or staff member who is employed at the school;

   (2) is a parent of a student attending the school; or

   (3) meets the election or selection criteria set forth in the charter granted to the school.

(c) **ELECTION OR SELECTION OF PARENTS.**—In the case of the first Board of Trustees of a public charter school to be elected...
or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) **Fiduciaries.**—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

**SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.**

(a) **Open Enrollment.**—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) **Criteria for Admission.**—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) **Random Selection.**—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) **Admission to an Existing School.**—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to:

1. students enrolled in the school at the time the petition is granted;
2. the siblings of students described in paragraph (1); and
3. in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) **Nonresident Students.**—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) **Student Withdrawal.**—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) **Expulsion and Suspension.**—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

**SEC. 2207. EMPLOYEES.**

(a) **Extended Leave of Absence Without Pay.**—
(1) **Leave of Absence from District of Columbia Public Schools.**—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) **Request for Extension.**—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) **Rights upon Termination of Leave.**—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) **Retirement System.**—

(1) **Creditable Service.**—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979 (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee’s employment at the public charter school.

(2) **Authority to Establish Separate System.**—A public charter school may establish a retirement system for employees under its authority.

(3) **Election of Retirement System.**—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee’s employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) **Prohibited Employment Conditions.**—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school’s retirement system as a condition of employment.

(5) **Contributions.**—

(A) Employees Electing Not to Transfer. In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.
(B) Employees electing to transfer.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) Employment status.—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2–152, effective March 9, 1979 (D.C. Code, sec. 44–216 et seq.), to a student attending a District of Columbia public school.

SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2210. APPLICATION OF LAW.

(a) Elementary and Secondary Education Act of 1965.—

(1) Treatment as local educational agency.—

(A) In general.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) Definition.—For the purposes of this subsection, the term “low-income student” means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.
(2) Allocation for Fiscal Years 1996 through 1998.—
(A) Public Charter Schools.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) District of Columbia Public Schools.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) Number of Eligible Students Enrolled in the Public Charter School.—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) Aggregate Number of Eligible Students.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) Allocation for Fiscal Year 1999 and Thereafter.—
(A) Calculation by Secretary.—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all
such local educational agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—
   
   (i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

   (ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

   (A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).
   
   (B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).
   
   (C) Section 1113 (20 U.S.C. 6313).
   
   (D) Section 1115A (20 U.S.C. 6316).
   
   (E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).
   
   (F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).
   
   (G) Section 1120 (20 U.S.C. 6321).
   
   (H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).
   
   (I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
SEC.  2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—
(1) IN GENERAL.—An eligible chartering authority—
   (A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;
   (B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and
   (C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.
(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

(b) FEES.—
(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.
(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—
(1) IN GENERAL.—An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—
   (A) constitutes gross negligence;
   (B) constitutes an intentional tort; or
   (C) is criminal in nature.
(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) ANNUAL REPORT.—On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:
(1) A list of the members of the eligible chartering authority and the addresses of such members.
(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.
(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

SEC. 2212. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later
than 15 days after the date on which the eligible chartering authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—
   (A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.
   (B) DEADLINE.—An informal hearing under this subsection shall take place no later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—
   (A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—
      (i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and
      (ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.
   (B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) ALTERNATIVES UPON NONRENEWAL.—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—
   (A) manage the school directly until alternative arrangements can be made for students at the school; or
   (B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—
   (A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.
   (B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2213. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority deter-
determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) **Fiscal Mismanagement.**—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) **Procedures for Consideration of Revocation.**—

(1) **Notice of Right to Hearing.**—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) **Request for Hearing.**—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) **Date and Time of Hearing.**—

(A) **Notice.**—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) **Deadline.**—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) **Final Decision.**—

(A) **Deadline.**—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) **Reasons for Revocation.**—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) **Alternatives Upon Revocation.**—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.
(6) Judicial review.—
(A) Availability of review.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) Standard of review.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) Establishment.—
(1) In general.—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the “Board”).

(2) Membership.—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) Vacancies.—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) Time limit for appointments.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board’s membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) Terms of members.—
(A) In General.—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—
   (i) 2 members to serve terms of 3 years;
   (ii) 2 members to serve terms of 2 years; and
   (iii) 1 member to serve a term of 1 year.

(B) Reappointment.—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) Independence.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) Operations of the Board.—
   (1) Chair.—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members’ terms, or when requested by a majority vote of the members of the Board.

   (2) Quorum.—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

   (3) Meetings.—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) No Compensation for Service.—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) Personnel and Resources.—
   (1) In General.—Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG-16 of the Educational Service of the District of Columbia.

   (2) Special Rule.—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) Expenses of Board.—Any expenses of the Board shall be paid from such funds as may be available to the Mayor: Provided, That within 45 days of the enactment of this Act the Mayor shall make available not less than $130,000 to the Board.

(f) Audit.—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) Authorization of Appropriations.—For the purpose of carrying out the provisions of this section and conducting the Board’s functions required by this subtitle, there are authorized to be appropriated $300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 2215. FEDERAL ENTITIES.

(a) In General.—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible
for the agency or entity to establish one or more public charter schools:

(1) The Library of Congress.
(2) The National Aeronautics and Space Administration.
(3) The Drug Enforcement Administration.
(4) The National Science Foundation.
(5) The Department of Justice.
(6) The Department of Defense.
(7) The Department of Education.
(8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) REPORT.—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate congressional committees.

Subtitle C—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates

PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS

SEC. 2311. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) DEFINITION.—For the purpose of this subtitle, the term "World Class Schools Task Force" means 1 nonprofit organization located in the District of Columbia that—

(A) has a national reputation for advocating content standards;
(B) has a national reputation for advocating a strong liberal arts curriculum;
(C) has experience with at least 4 urban school districts for the purpose of establishing content standards;
(D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and
(E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

(b) RECOMMENDATION REQUIRED.—

(1) IN GENERAL.—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

(A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.
(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2321. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) SPECIAL RULE.—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) CONTENT.—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

SEC. 2312. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

SEC. 2313. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that
are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 2314. CONSULTANTS.

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

SEC. 2315. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1997 to carry out this part. Such funds shall remain available until expended.

PART 2—PROMOTION GATES

SEC. 2321. PROMOTION GATES.

(a) KINERGARTEN THROUGH 4TH GRADE.—Not later than one year after the date of adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than one grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) 5TH THROUGH 8TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) 9TH THROUGH 12TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

Subtitle D—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2401. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish not later than 90 days after enactment of this Act, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the
operating expenses of the Board of Education and the Office of the Superintendent; and
(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—
(A) the number of students calculated under section 2402 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or
(B) the number of students calculated under section 2402 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTIONS.—
(A) FORMULA.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—
(i) the number of students served by such schools in certain grade levels; and
(ii) the cost of educating students at such certain grade levels.
(B) PAYMENT.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—
(i) with special needs; or
(ii) who do not meet minimum literacy standards.

SEC. 2402. CALCULATION OF NUMBER OF STUDENTS.
(a) SCHOOL REPORTING REQUIREMENT.—
(1) IN GENERAL.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.
(2) SPECIAL RULE.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2403(a)(2)(B)(ii).
(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:
(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia
public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia
SEC. 2403. PAYMENTS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2401(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) INITIAL PAYMENT.—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

(B) FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) PRO RATA REDUCTION.—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

(ii) INCREASE.—If additional funds become available for making payments under this subtitle for such
(D) Unexpended Funds.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) Exception for New Schools.—

(1) Authorization.—There are authorized to be appropriated $200,000 for each fiscal year to carry out this subsection.

(2) Disbursement to Mayor.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) Escrow.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) Payments to Schools.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) Schools Described.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) Formula.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by \( \frac{1}{12} \) of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 through 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2401(b) by \( \frac{1}{12} \) of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) Payment to Schools.—

(A) Transfer.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) Pro Rata and Remaining Funds.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.
Subtitle E—School Facilities Repair and Improvement

SEC. 2550. DEFINITIONS.
For purposes of this subtitle—
(1) the term “facilities” means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and
(2) the term “repair and improvement” includes administration, construction, and renovation.

PART 1—SCHOOL FACILITIES

SEC. 2551. TECHNICAL ASSISTANCE.
(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the “Agreement”) with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—
(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;
(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—
(A) include a list of facilities to be repaired and improved in a recommended order of priority;
(B) provide the repair and improvement required to support modern technology; and
(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent’s Task Force on Education Infrastructure for the 21st Century);
(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public schools without regard to any law or regulation of the District of Columbia;
(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);
(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in
the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq., and 41 U.S.C. 251 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2) assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

e) SPECIAL RULE.—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement
under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) Effective Date.—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) Program.—Not later than 12 months after the date of enactment of this Act, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) Proceeds.—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) Implementation.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

PART 2—WAIVERS

SEC. 2561. WAIVERS.

(a) In General.—

(1) Requirements waived.—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled “District of Columbia Public Schools Standard Contract Provisions” (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) Donations.—Any individual may volunteer his or her services or may donate materials to a District of Columbia public school facility for the repair and improvement of such facility provided that the provision of voluntary services meets the requirements of 29 U.S.C. 203(e)(4).

(b) Limitation.—A waiver under subsection (a) shall not apply to requirements under 40 U.S.C. 276a–276a–7.
PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES

SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) TAX LAWS.—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

Subtitle F—Partnerships With Business

SEC. 2601. PURPOSE.

The purpose of this subtitle is—

(1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

The Superintendent is authorized to provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under sections 2604 and 2607.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and
(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

**SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.**

(a) **DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.**—

(1) **ESTABLISHMENT**—The private, nonprofit corporation shall establish a council to be known as the “District Education and Learning Technologies Advancement Council” (in this subtitle referred to as the “council”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) **COMPENSATION.**—Members of the council shall serve without compensation.

(3) **DUTIES.**—The council—

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

(b) **ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.**—

(1) **IN GENERAL**—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) **ELECTRONIC DATA TRANSFER SYSTEM.**—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

(3) **TECHNOLOGY ASSESSMENT.**—

(A) **IN GENERAL.**—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) **CONDUCT OF ASSESSMENT.**—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.
(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) IMPLEMENTATION.—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a center to be known as the “District Employment and Learning Center” (in this subtitle referred to as the “center”), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of
18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;


(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).
Sec. 2605. Matching Funds.

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

1. For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of $1 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

2. For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of $3 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

3. For fiscal year 1999, the nonprofit corporation shall provide matching funds or in-kind contributions of $5 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

Sec. 2606. Report.

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1997, on a semiannual basis, a report which shall contain—

1. The activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period ending on the date of the submission of the report;

2. An assessment of the use of funds or other resources donated to the corporation;

3. The results of the assessment carried out under section 2604(b)(3); and

4. A description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period beginning on the date of the submission of the report.

Sec. 2607. Jobs for D.C. Graduates Program.

(a) In General.—The nonprofit corporation shall establish a program, to be known as the “Jobs for D.C. Graduates Program”, to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) Conduct of Program.—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America’s Graduates, Inc., shall—

1. Establish performance standards for such program;

2. Provide ongoing enhancement and improvements in such program;

3. Provide research and reports on the results of such program; and

4. Provide preservice and inservice training.

Sec. 2608. Authorization of Appropriations.

(a) Authorization.—
(1) Delta Council; Access to State-of-the-Art Educational Technology; and Workforce Preparation Initiatives.—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2604, $1,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) Deal Center.—There are authorized to be appropriated to carry out section 2604(c), $2,000,000 for each of the fiscal years 1997, 1998, and 1999.

(3) Jobs for D.C. Graduates Program.—There are authorized to be appropriated to carry out section 2607—
   (A) $2,000,000 for fiscal year 1997; and
   (B) $3,000,000 for each of the fiscal years 1998 through 2001.

(b) Availability.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. Termination of Federal Support; Sense of the Congress Relating to Continuation of Activities.

(a) Termination of Federal Support.—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1999.

(b) Sense of the Congress Relating to Continuation of Activities.—It is the sense of the Congress that—
   (1) the activities of the private, nonprofit corporation under section 2604 should continue to be carried out after October 1, 1999, with resources made available from the private sector; and
   (2) the corporation should provide oversight and coordination for such activities after such date.

Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources


(a) Food Services and Security Services.—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995-1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent’s reasons in writing to the Board of Education and the Authority.

(b) Development of New Management and Data Systems.—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995-1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government’s development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.
SEC. 2752. ACCESS TO FISCAL AND STAFFING DATA.

(a) In General.—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) Access.—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

SEC. 2753. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.

(a) In General.—The Board of Education shall develop its fiscal year 1997 gross operating budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) Fiscal Year 1996 Budget Revision.—Not later than 60 days after enactment of this Act, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) Zero-Base Budget.—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) School-by-School Budgets.—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

SEC. 2754. TECHNICAL AMENDMENTS.

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking "(A) Except as provided in subparagraph (B), a State" and inserting "A State"; and
SEC. 2755. EVEN START FAMILY LITERACY PROGRAMS.

Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(a) in section 1204(a) (20 U.S.C. 6364(a)), by inserting “intensive” after “cost of providing”; and

(b) in section 1205(4) (20 U.S.C. 6365(4)), by inserting “, intensive” after “high-quality”.

SEC. 2756. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.

(a) Restrictions on reductions of school-based employees.—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) Definition.—The term “school-based educational position” means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

Subtitle H—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) Establishment.—

(1) In general.—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) Membership.—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.
(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting ex officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Consensus Commission shall serve for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) CHAIR.—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) EXECUTIVE DIRECTOR.—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG-16 of the Educational Service of the District of Columbia.

(c) STAFF.—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) SPECIAL RULE.—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, subject to the approval of the Authority from amounts available to the Board of Education.

SEC. 2852. PRIMARY PURPOSE AND FINDINGS.

(a) PURPOSE.—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.
(b) **Findings.**—The Congress finds that—

1. experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;
2. national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;
3. standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;
4. experience has shown that successful schools have good community, parent, and business involvement;
5. experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and
6. experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

**SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.**

(a) **Primary Responsibility.**—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) **Duties.**—The Consensus Commission shall—

1. identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;
2. assist in developing programs that—
   A. ensure every student in a District of Columbia public school achieves basic literacy skills;
   B. ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and
   C. lower the dropout rate in the District of Columbia public schools;
3. assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher’s class;
4. make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;
5. assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and
(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) Powers.—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle C.

(6) To review and comment on a core curriculum for pre-kindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student achievement in the core curriculum developed under subtitle C.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle C.

(d) Limitations.—

(1) In general.—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

SEC. 2854. IMPROVING ORDER AND DISCIPLINE.

(a) Community Service Requirement for Suspended Students.—

(1) In general.—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) Effective Date.—This subsection shall take effect on the first day of the 1996–1997 academic year.

(b) Expiration Date.—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997–1998 academic year.

(c) Report.—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional
committees not later than 60 days prior to the last day of the 1997–1998 academic year.

SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.

(a) In General.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education with respect to compliance with the long-term reform plan and such plan’s overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) Audit.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2311(b). The Consensus Commission shall receive a copy of each public charter school’s annual report.

SEC. 2856. INVESTIGATIVE POWERS.

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.

(a) In General.—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) Authority Actions.—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

SEC. 2858. EXPIRATION DATE.

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

Subtitle I—Parent Attendance at Parent-Teacher Conferences

SEC. 2901. POLICY.

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all resi-
students of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

This title may be cited as the "District of Columbia School Reform Act of 1995".

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):
HOUSE REPORTS: No. 104±537 (Comm. of Conference).
SENATE REPORTS: No. 104±236 accompanying S. 1594 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 7, considered and passed House.
Mar. 11, 15, 18, 19, considered and passed Senate, amended.
Apr. 25, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Apr. 26, Presidential statement.

H.R. 2546 (S. 1244)

Considered in House: November 1, 1995.
Passed the House: November 2, 1995.
Senate Report 104±144 (S. 1244), September 15, 1995.
Passed the Senate: H.R. 2546 (amended with text of S. 1244):
November 2, 1995.
Conference:
House agreed: January 31, 1996.
Considered in Senate: Feb. 23, 27, 29, March 5, 7, and 12, 1996.
(No final action in Senate, because of filibuster on school voucher program).

Grand total, District of Columbia Appropriations Act, 1996:
Federal funds ......................................................... $712,070,000
District of Columbia funds ................................ (5,096,039,000)

1 Included in General Government.
ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-46
PUBLIC LAW 104–46—NOV. 13, 1995

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

109 STAT. 104th Congress

Public Law 104–46

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $121,767,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $375,000;
Ohio River Greenway, Indiana, $500,000;
Kentucky Lock and Dam, Kentucky, $2,000,000;
Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $300,000; and

West Virginia Port Development, West Virginia, $300,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a study of water supply and associated needs in the vicinity of Hazard, Kentucky, using $500,000 of the funds appropriated under this heading in Public Law 103–316 for Hazard, Kentucky.
CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $804,573,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GLWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

- Homer Spit, Alaska, repair and extend project, $3,800,000;
- McClellan-Kerr Arkansas River Navigation System, Arkansas, $6,000,000; Provided, That $4,900,000 of such amount shall be used for activities relating to Montgomery Point Lock and Dam, Arkansas;
- Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;
- Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;
- San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;
- Indiana Shoreline Erosion, Indiana, $1,500,000;
- Arkansas City flood control project, Kansas, $700,000, except that for the purposes of the project, section 902 of Public Law 99–662 is waived;
- Winfield, Kansas, $670,000;
- Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;
- Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;
- Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;
- Saliersville, Kentucky, $500,000;
- Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $13,348,000;
- Ouachita River Levees, Louisiana, $2,300,000;
- Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $2,500,000;
- Roughans Point, Massachusetts, $710,000;
- Marshall, Minnesota, $850,000;
- Ste. Genevieve, Missouri, $1,000,000;
- Broad Top Region, Pennsylvania, $4,100,000;
- Glen Foerd, Pennsylvania, $200,000;
- South Central Pennsylvania Environmental Restoration, Pennsylvania, $3,500,000;
- Wallisville Lake, Texas, $5,000,000;
- Virginia Beach Erosion Control and Hurricane Protection, Virginia, $1,100,000;
Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $200,000; and

Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $2,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer $1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington; and the Bonneville Treaty Fishing Access Site, Washington: Provided further, That using funds appropriated in Public Law 103–316 for the Sacramento River Flood Control Project (Deficiency Correction), California, project and funds appropriated herein for the Sacramento Urban Area Levee Reconstruction, California, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to acquire all or part of the Little Holland Tract, with any and all appurtenant water rights, for wetland and fish and wildlife activities pursuant to the authority of section 906 of Public Law 99–662 and conditioned on a determination made by the Secretary, pursuant to section 906, that acquisition is in the Federal interest.

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $307,885,000, to remain available until expended.

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,703,697,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: Provided, That not to exceed $5,000,000 shall be available for obligation for national emergency preparedness programs: Provided further, That $5,926,000 of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: Provided further, That the Secretary of the Army is directed during
fiscal year 1996 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $850,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, $151,500,000, to remain available until expended: Provided, That not to exceed $62,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: Provided further, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: Provided further, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress (including the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives) within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change any civil function of any district office: Provided further, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on August 15, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.
SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvements or major repair of the Federal vessel, McFARLAND, except for normal maintenance and repair necessary to maintain the vessel McFARLAND's current operational condition.

(d) If any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years, the Secretary shall not significantly alter the operating schedules of the remaining Federal hopper dredges established in accordance with the requirements of subsection (a) above.

SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

(b) PROJECT DEPTH.—The project described in subsection (a) is modified to provide for an authorized depth of 12.5 feet.

(c) NAVIGATION CHANNEL (MODIFIED).—The reauthorized project navigation channel shall be defined by the following coordinates:

- 2911N-2239E, 3240N-2504E, 3964N-2874E, 4182N-2891E, 4469N-2808E, 4692N-2720E, 4879N-2615E, 4952N-2778E, 4438N-2980E, 4227N-3097E, 3720N-3068E, 3076N-2798E, 2996N-2706E, 2783N-2450E.

(d) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.

SEC. 103. With the exception of the use of funds to process any required Department of the Army permits, none of the funds appropriated herein or otherwise available to the Army Corps of Engineers may be used to assist, guide, coordinate, administer, prepare for occupancy of, or acquire furnishings for or in preparation of a movement to the Southeast Federal Center.
SEC. 104. The project for flood control for Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law 101–640, 104 Stat. 4611) is modified to authorize the Secretary of the Army to construct the project at a total cost not to exceed $26,600,000, with an estimated first Federal cost of $19,195,000 and an estimated first non-Federal cost of $7,405,000.

SEC. 105. (a) The Secretary of the Army is authorized to accept from a non-Federal sponsor an amount of additional lands not to exceed 300 acres which are contiguous to the Cooper Lake and Channels Project, Texas, authorized by the River and Harbor Act of 1965 and the Water Resources Development Act of 1986, and which provide habitat value at least equal to that provided by the lands authorized to be redesignated in subsection (b).

(b) Upon the completion of subsection (a), the Secretary is further authorized to redesignate an amount of mitigation land not to exceed 300 acres to recreation purposes.

(c) The cost of all work to be undertaken pursuant to this section, including but not limited to real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent such actions are required, shall be borne by the donating sponsor.

SEC. 106. Using $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Indianapolis, Indiana, project, authorized in section 5 of Public Law 74–738, as amended, and as modified to include certain riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February, 1994, at a total cost of $65,975,000 with an estimated first Federal cost of $39,975,000 and an estimated first non-Federal cost of $26,000,000.

SEC. 107. SOUTH CENTRAL PENNSYLVANIA.

(a) In General.—Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845–4847) is amended—

(1) in the heading to subsection (c) by striking “With SARCD COUNCIL”;

(2) in subsection (c) by inserting “with State, regional, and local officials, including, where applicable,” after “consult”;

(3) in subsection (d)(2)(A) by inserting “,where applicable,” after “Council”;

(4) in subsection (g)(1) by striking “$17,000,000” and inserting “$50,000,000”; and

(5) in subsection (h)(2) by striking “Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset” and inserting “Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, and Westmoreland”.

(b) Cost Sharing.—Section 313(d)(3) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended to read as follows:

“(3) Cost Sharing.—

“A. In General.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such
interest prior to entering into a local cooperation agreement with
the Secretary for a project. The Federal share may in the form
of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in reimburse-
ment of the non-Federal share of a project, the non-Federal
interest shall receive credit for reasonable interest to pro-
vide the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—
The non-Federal interest shall receive credit for lands,
easements, rights-of-way, and relocations toward its share
of project costs, including direct costs associated with
obtaining permits necessary for the placement of such
project on public owned or controlled lands, but not to
exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE CREDIT.—Operation
and maintenance costs for projects constructed with assist-
ance provided under this section shall be 100 percent non-
Federal."

SEC. 108. Using $2,000,000 of the funds appropriated herein,
the Secretary of the Army, acting through the Chief of Engineers,
is authorized and directed to proceed with engineering, design,
and construction of projects to provide for flood control and improve-
ments to rainfall drainage systems in Jefferson, Orleans, and St.
Tammany Parishes, Louisiana, in accordance with the following
reports of the New Orleans District Engineer: Jefferson and Orleans
Parishes, Louisiana, Urban Flood Control and Water Quality
Management, July 1992; Tangipahoa, Techeuncte and Tickfaw Rivers,
Louisiana, June 1991; and Schneider Canal, Slidell, Louisiana,
Hurricane Protection, May 1990. There is authorized to be appro-
piated $25,000,000 for the initiation and partial accomplishment
of projects described in these reports. The cost of any work per-
formed by the non-Federal interests subsequent to the above cited
reports, as determined by the Secretary of the Army to be a compat-
able and integral part of the projects, shall be credited toward
the non-Federal share of the projects.

SEC. 109. (a) IN GENERAL.—Subject to the provisions of this
section, the Secretary of the Army shall convey to the City of
Prestonsburg, Kentucky, all right, title, and interest of the United
States, in and to the land described in the Supplemental Agree-
ment—Modification No. 2 to the Department of the Army lease
#DACW69–1–76–0186, executed by and between the Department
of the Army and the Commonwealth of Kentucky, together with
any improvements thereon.

(b) CONDITIONS.—The conveyance authorized by this section
is subject to the following conditions:

(1) The City shall ensure that the land conveyed by this
section will be used for public use recreational purposes and
to further the regional economic development.

(2) The City shall use all proceeds derived from the sale
or lease of any mineral rights conveyed pursuant to this section
for the development, operation, and maintenance of recreational
facilities on the lands conveyed in accordance with this section.

(3) The City shall accept the property in its condition
at the time of the conveyance. The Secretary shall not be
required to make any improvements in the property's condition,
and the City shall hold and save the United States free from
any claims or damages arising from any activities on the con-
veyed land either on the date of the conveyance or any subsequent date.

(4) If the City uses the land conveyed under this section for any purpose other than those specified in this paragraph, the Secretary shall notify the City of such failure. If the City does not correct such nonconforming use during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land conveyed under this section.

SEC. 110. Using funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Coos Bay, Oregon project in accordance with the Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

[Total, title I, Department of Defense—Civil, $3,201,272,000.]

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, $42,893,000, to remain available until expended, of which $23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $18,503,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,246,000, to remain available until expended.

[Total, Central Utah project completion account, $44,139,000.]

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $12,684,000: Provided, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: Provided further, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contrib-
CONSTRUCTION PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $411,046,000, of which $27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $94,225,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: Provided further, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: Provided further, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: Provided further, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law, and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $273,076,000: Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: Provided further, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: Provided further, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.
BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $11,243,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974:

Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000: Provided, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

[Total, $11,668,000.]

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575: Provided, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102-575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,150,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head “General Administrative Expenses” shall revert and be credited to the reclamation fund.

1 Limitation on direct loan.
Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only. [Total, Bureau of Reclamation, $800,203,000.] [Total, title II, Department of the Interior, $844,342,000.]

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $2,727,407,000, to remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; $64,197,000, to remain available until expended: Provided, That revenues received by the Department for uranium programs and estimated to total $34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $29,294,000. [Net appropriation, $29,294,000.]

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $278,807,000, to be derived from the fund, to remain available until expended: Provided, That at least $42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.
GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), $981,000,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $151,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), $3,460,314,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), $5,557,532,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,373,212,000, to remain available until expended.
DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $248,400,000, to remain available until expended: Provided, That of the amount herein appropriated, $85,000,000 shall be available for obligation and expenditure only for an interim storage facility and only upon the enactment of specific statutory authority.

[Tot al, Atomic Energy Defense Activities, $10,639,458,000.]

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $366,697,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $122,306,000 in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $244,391,000. [Net appropriation, $244,391,000.]

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,260,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000. During fiscal year 1996, no new direct loan obligations may be made.
For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $19,843,000, to remain available until expended.

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,272,000 in reimbursements, to remain available until expended.

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $257,652,000, to remain available until expended, of which $245,151,000 shall be derived from the Department of the Interior Reclamation fund: Provided, That of the amount herein appropriated, $5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

For operation, maintenance, and emergency costs for the hydro-electric facilities at the Falcon and Amistad Dams, $1,000,000, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995. [Total, Power Marketing Administrations, $312,533,000.]

Total, Power Marketing Administrations, $312,533,000.
### Federal Energy Regulatory Commission

**Salaries and Expenses**

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $131,290,000, to remain available until expended:

Provided, That notwithstanding any other provision of law, not to exceed $131,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

[Total, title III, Department of Energy, $15,389,490,000.]

### Title IV

#### Independent Agencies

**Appalachian Regional Commission**

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $170,000,000.

### Defense Nuclear Facilities Safety Board

**Salaries and Expenses**

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,000,000, to remain available until expended.

### Delaware River Basin Commission

**Salaries and Expenses**

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

**Contribution to Delaware River Basin Commission**

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $428,000.

[Total, $771,000.]
INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $468,300,000, to remain available until expended, of which $11,000,000 shall be derived from the Nuclear Waste Fund: Provided, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than $11,000,000.
OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: Provided, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: Provided further, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

[Total, NRC, $11,000,000.]

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,531,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $250,000.

[Total, $568,000.]

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft,
and purchase and hire of passenger motor vehicles, $109,169,000, to remain available until expended. The Tennessee Valley Authority shall, not later than March 30, 1996, submit to Congress a preliminary plan for funding the environmental research center from sources other than direct appropriations to the Tennessee Valley Authority after fiscal year 1996.

[Total, title IV, Independent Agencies, $311,550,000.]

**TITLE V**

**GENERAL PROVISIONS**

Sec. 501. Section 510 of Public Law 101-514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.

Sec. 502. Notwithstanding the provisions of any other law, the report referred to in title 30 of Public Law 102-575 shall be submitted within five years from the date of enactment of that Act.

Sec. 503. Without fiscal year limitation and notwithstanding section 502(b)(5) of the Nuclear Waste Policy Act, as amended, or any other provision of law, a member of the Nuclear Waste Technical Review Board whose term has expired may continue to serve as a member of the Board until such member’s successor has taken office.

Sec. 504. Section 4(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2723), is amended—

(a) in paragraph (1), by striking “October 1, 1995” and inserting in lieu thereof “October 1, 1996”; and

(b) in paragraph (2), by striking “ten-year” and inserting in lieu thereof “eleven-year”.

Sec. 505. (a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) **NOTICE REQUIREMENT.**—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Sec. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

Sec. 507. In order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991.

Sec. 508. (a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Bonneville Power Administration.
(2) COUNCIL.—The term “Council” means the Northwest Power and Conservation Planning Council.

(3) EXCESS FEDERAL POWER.—The term “excess Federal power” means such electric power that has become surplus to the firm contractual obligations of the Administrator under section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(f)) due to either—

(A) any reduction in the quantity of electric power that the Administrator is contractually required to supply under subsections (b) and (d) of section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c), due to the election by customers of the Bonneville Power Administration to purchase electric power from other suppliers, as compared to the quantity of electric power that the Administrator was contractually required to supply as of January 1, 1995; or

(B) those operations of the Federal Columbia River Power System that are primarily for the benefit of fish and wildlife affected by the development, operation, or management of the System.

(b) SALE OF EXCESS FEDERAL POWER.—Notwithstanding section 2, subsections (a), (b), and (c) of section 3, and section 7 of Public Law 88–552 (16 U.S.C. 837a, 837b, and 837f), and section 9(c) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839f(c)), the Administrator may, as permitted by otherwise applicable law, sell or otherwise dispose of excess Federal power—

(1) outside the Pacific Northwest on a firm basis for a contract term of not to exceed 7 years, if the excess Federal power is first offered for a reasonable period of time and under the same essential rate, terms and conditions to those Pacific Northwest public body, cooperative and investor-owned utilities and those direct service industrial customers identified in subsection (b) or (d)(1)(A) of section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c); and

(2) in any region without the prohibition on resale established by the second sentence of section 5(a) of the Act entitled “An Act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes”, approved August 20, 1937 (commonly known as the “Bonneville Project Act of 1937”) (16 U.S.C. 832d(a)).

(c) STUDY BY COUNCIL.—(1) Within 180 days of enactment of this Act, the Council shall review and report to Congress regarding the most appropriate governance structure to allow more effective regional control over efforts to conserve and enhance anadromous and resident fish and wildlife within the Federal Columbia River Power System.

(d) CORPS OF ENGINEERS PROCUREMENT.—The Assistant Secretary of the Army for Civil Works, acting through the North Pacific Division of the Corps of Engineers, is authorized to place orders for goods and services related to facilities for electric power generation and fish and wildlife mitigation associated with the Federal Columbia River Power System with and through the Administrator using the authorities available to the Administrator.

(e) RESIDENTIAL EXCHANGE.—Notwithstanding the establishment, confirmation and approval of rates pursuant to 16 U.S.C.
839e, and notwithstanding the provisions of 16 U.S.C. 839c(c), the cost benefits of eligible utilities' total purchase and exchange sales under 16 U.S.C. 839c(c)(1) shall be $145,000,000 for fiscal year 1997, and the net benefits paid to each eligible electric utility shall be $145,000,000 multiplied by the percentage of the total of such net benefits paid by the Administrator to such utility for fiscal year 1995.

(f) Personnel Flexibility.—The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed $25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration.

(g) Savings.—Unless superseded by an Act of Congress, the authority provided by this section is expressly intended to extend beyond the fiscal year.

SEC. 509. Section 7 of the Magnetic Fusion Energy Engineering Act (42 U.S.C. 9396) is repealed.

SEC. 510. Water Levels in Rainy Lake and Namakan Lake.—
(a) Findings.—Congress finds that—
(1) the Rainy Lake and Namakan Reservoir Water Level International Steering Committee conducted a 2-year analysis in which public comments on the water levels in Rainy Lake and Namakan Lake revealed significant problems with the current regulation of water levels and resulted in Steering Committee recommendations in November 1993; and
(2) maintaining water levels closer to those recommended by the Steering Committee will help ensure the enhancement of water quality, fish and wildlife, and recreational resources in Rainy Lake and Namakan Lake.

(b) Definitions.—In this section:

(1) EXISTING RULE CURVE.—The term “existing rule curve” means each of the rule curves promulgated by the International Joint Commission to regulate water levels in Rainy Lake and Namakan Lake in effect as of the date of enactment of this Act.

(2) PROPOSED RULE CURVE.—The term “proposed rule curve” means each of the rule curves recommended by the Rainy Lake and Namakan Reservoir International Steering Committee for regulation of water levels in Rainy Lake and Namakan Lake in the publication entitled “Final Report and Recommendations” published in November 1993.

(c) WATER LEVELS.—The dams at International Falls and Kettle Falls, Minnesota, in Rainy Lake and Namakan Lake, respectively, shall be operated so as to maintain water levels as follows:

(1) COINCIDENT RULE CURVES.—In each instance in which an existing rule curve coincides with a proposed rule curve, the water level shall be maintained within the range of such coincidence.

(2) NONCOINCIDENT RULE CURVES.—In each instance in which an existing rule curve does not coincide with a proposed rule curve, the water level shall be maintained at the limit of the existing rule curve that is closest to the proposed rule curve.

(d) ENFORCEMENT.—

(1) IN GENERAL.—The Federal Energy Regulatory Commission shall enforce this section as though the provisions were
included in the license issued by the Commission on December 31, 1987, for Commission Project No. 5223-001.

(2) Rule of construction.—Nothing in this section shall be construed to require the Commission to alter the license for Commission Project No. 5223-001 in any way.

(e) Sunset.—This section shall remain in effect until the International Joint Commission review of and decision on the Steering Committee's recommendations are completed.

This Act may be cited as the “Energy and Water Development Appropriations Act, 1996”.

Approved November 13, 1995.

LEGISLATIVE HISTORY—H.R. 1905:
HOUSE REPORTS: Nos. 104-149 (Comm. on Appropriations) and 104-293 (Comm. of Conference).
SENATE REPORTS: No. 104-120 (Comm. on Appropriations).
July 11, 12, considered and passed House.
July 31, Aug. 1, considered and passed Senate, amended.
Oct. 31, House and Senate agreed to conference report.
Nov. 13, Presidential statement.
Grand total, Energy and Water Development

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<thead>
<tr>
<th>Appropriations Act, 1996</th>
<th>$19,746,654,000</th>
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<td>By transfer</td>
<td>(9,839,000)</td>
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<tr>
<td>Limitation on direct loans</td>
<td>(37,000,000)</td>
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NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Departments of Energy and Defense—Civil functions for fiscal year 1996:

Permanent appropriations:

<table>
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<tr>
<th>Federal funds:</th>
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<tbody>
<tr>
<td>Department of Defense—Civil</td>
<td>$12,116,146,000</td>
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<tr>
<td>Department of Energy</td>
<td>$314,415,000</td>
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<th>Trust funds:</th>
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<tr>
<td>Department of Defense—Civil</td>
<td>$28,982,423,000</td>
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Appropriations in legislative acts:

<table>
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<tr>
<th>Alaska Power Administration Sale Act (Public Law 104±58):</th>
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<tr>
<td>Department of Energy: Naval petroleum and oil shale reserves, Federal funds</td>
<td>$3,000,000</td>
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<tbody>
<tr>
<td>Department of Defense—Civil: Military retirement fund, Trust funds</td>
<td>$403,000,000</td>
</tr>
</tbody>
</table>

Advance Appropriations for fiscal year 1996 made during previous session of Congress:

| Department of Energy: Clean Coal Technology | $200,000,000 |

Department of the Interior and Related Agencies Appropriations Act, 1996:

| Department of Energy | $1,179,156,000 |

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996:

| Department of Defense—Civil: Armed Forces Retirement Home | $55,869,000 |

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996:

| Department of Defense—Civil: Cemeterial expenses, Army | $11,946,000 |

Defense Supplemental, 1995 (Public Law 104–6):

| Department of Energy | $50,000,000 |

Supplemental, Rescissions and Offsets, 1996 (Public Law 104–134):

| Department of Defense—Civil | $165,000,000 |
| Department of Energy | $15,000,000 |
| Offsets | $227,000,000 |

Subtotal, additions | $43,162,995,000 |

Deduct amounts transferred to the Department of the Interior and General Government totals:

| Department of the Interior: Bureau of Reclamation | $800,203,000 |
| Appalachian Regional Commission | $44,139,000 |

General Government:

| Defense Nuclear Facilities Safety Board | $17,000,000 |
| Delaware River Basin Commission | $771,000 |
| Interstate Commission on the Potomac River Basin | $511,000 |
| Nuclear Regulatory Commission | $11,000,000 |
| Nuclear Waste Technical Review Board | $2,531,000 |
| Susquehanna River Basin Commission | $568,000 |
| Tennessee Valley Authority | $109,169,000 |

Subtotal, deductions | $1,155,892,000 |

Total | $61,753,717,000 |

Consisting of:

| Department of Defense—Civil | $44,935,656,000 |
| Department of Energy | $16,818,061,000 |

1 Refer to Clean Coal footnote p. 953.
FOREIGN OPERATIONS,
EXPORT FINANCING, AND
RELATED PROGRAMS
APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-107
FOREIGN OPERATIONS, EXPORT FINANCING APPROPRIATIONS, 1996

109 STAT. 104-107—FEB. 12, 1996

Public Law 104-107
104th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation:

Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $786,551,000 to remain available until September 30, 1997:

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974:

Provided further, That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1996 and 1997:

Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Commit-
For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $45,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1996.

[Total, Export-Import Bank of the United States, $742,519,000.]

### OVERSEAS PRIVATE INVESTMENT CORPORATION

#### NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $26,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

#### PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1996 and 1997: Provided further, That such sums shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal

1. Negative subsidy.
2. Insurance fees and other offsetting collections.
3. Limitation on direct loans. CBO estimate, bill language did not designate a limit.
4. Limitation on guaranteed loans. CBO estimate, bill language did not designate a limit.
year 1996, and through fiscal year 2004 for the disbursement of
direct and guaranteed loans obligated in fiscal year 1997. In addi-
tion, such sums as may be necessary for administrative expenses
to carry out the credit program may be derived from amounts
available for administrative expenses to carry out the credit and
insurance programs in the Overseas Private Investment Corpora-
tion Noncredit Account and merged with said account.
[Total, Overseas Private Investment Corporation, 
$104,500,000.]

Funds Appropriated to the President

Trade and Development Agency

For necessary expenses to carry out the provisions of section
661 of the Foreign Assistance Act of 1961, $40,000,000: Provided,
That the Trade and Development Agency may receive reimburse-
ments from corporations and other entities for the costs of grants
for feasibility studies and other project planning services, to be
deposited as an offsetting collection to this account and to be avail-
able for obligation until September 30, 1997, for necessary expenses
under this paragraph: Provided further, That such reimbursements
shall not cover, or be allocated against, direct or indirect adminis-
trative costs of the agency.
[Total, title I, Export and Investment Assistance, $678,019,000.]

Title II—Bilateral Economic Assistance

Funds Appropriated to the President

For expenses necessary to enable the President to carry out
the provisions of the Foreign Assistance Act of 1961, and for other
purposes, to remain available until September 30, 1996, unless
otherwise specified herein, as follows:

Agency for International Development

Child Survival and Disease Programs

Of the funds appropriated in title II of this Act, and under
the heading “International Organizations and Programs” in title
IV of this Act, not less than $484,000,000 shall be made available
for programs for child survival, assistance to combat tropical and
other diseases, and related activities: Provided, That this amount
shall be made available for such activities as (1) immunization
programs, (2) oral rehydration programs, (3) health and nutrition
programs, and related education programs, which address the needs
of mothers and children, (4) water and sanitation programs, (5)
assistance for displaced and orphaned children, (6) programs for
the prevention, treatment, and control of, and research on, tuber-
culosis, HIV/AIDS, polio, malaria and other diseases, and (7) a
contribution on a grant basis to the United Nations Children’s
Fund (UNICEF).

Development Assistance

(Including Transfer of Funds)

For necessary expenses to carry out the provisions of sections
103 through 106 and chapter 10 of part I of the Foreign Assistance
Act of 1961, title V of the International Security and Development
Cooperation Act of 1980 (Public Law 96-533) and the provisions
of section 401 of the Foreign Assistance Act of 1969, $1,675,000,000, to remain available until September 30, 1997: Provided, That of the amount appropriated under this heading, up to $20,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that agency: Provided further, That of the amount appropriated under this heading, up to $11,500,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under title II of this Act that are administered by the Agency for International Development and made available for family planning assistance, not less than 65 percent shall be made available directly to the agency’s central Office of Population and shall be programmed by that office for family planning activities: Provided further, That the President shall seek to ensure that funds made available under this heading for sub-Saharan Africa are in substantially the same proportion to the total amount appropriated and made available by this Act for development assistance as the proportion of funds made available for development assistance for sub-Saharan Africa was to the total amount appropriated for development assistance in Public Law 103–306: Provided further, That up to $25,000,000 of the funds appropriated under this heading may be made available for necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act: Provided further, That the President shall seek to ensure that the percentage of funds made available under this heading for the activities of private and voluntary organizations and cooperatives is at least equal to the percentage of funds made available pursuant to corresponding authorities in law for the activities of private and voluntary organizations and cooperatives in fiscal year 1995: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant’s religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term “motivate”, as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of
the Foreign Assistance Act of 1961, of the funds appropriated under this heading not to exceed a total of $30,000,000 may be transferred to “International Organizations and Programs” for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than $650,000 of the funds made available under this heading should be made available for support of the United States Telecommunications Training Institute.

CYPRUS

Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund”, not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated by this Act to carry out the provisions of chapter 8 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $2,380,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma, for the purposes of fostering democracy in Burma, supporting the provision of medical supplies and other humanitarian assistance to Burmese located in Burma or displaced Burmese along the borders, and for other purposes: Provided, That of this amount, not less than $200,000 shall be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That of this amount, not less than $380,000 shall be made available for crop substitution activities in cooperation with the Kachin people of Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the “Foreign Assistance andRelated Programs Appropriations Act, 1985” (as enacted in Public Law 98-473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.
Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $181,000,000, to remain available until expended.

HUMANITARIAN ASSISTANCE TO THE FORMER YUGOSLAVIA

Of the funds appropriated in title II of this Act, $40,000,000 should be available only for emergency humanitarian assistance to the former Yugoslavia, of which amount not less than $6,000,000 shall be available only for humanitarian assistance to Kosova.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, $10,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1997.

HOUSING GUARANTY PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $4,000,000, to remain available until September 30, 1997: Provided, That these

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1 Limitation on direct loans. CBO estimate, bill did not designate a limit.
2 Limitation on guaranteed loans. CBO estimate, bill did not designate a limit.
funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $7,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That $33,700,000 commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

[Subtotal, Development assistance, $1,879,000,000.]

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the “Foreign Service Retirement and Disability Fund”, as authorized by the Foreign Service Act of 1980, $43,914,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $465,750,000: Provided, That of this amount not more than $1,475,000 may be made available to pay for printing costs: Provided further, That none of the funds appropriated by this Act for programs administered by the Agency for International Development (AID) may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator’s designee: Provided further, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be made available for expenses necessary to relocate the Agency for International Development, or any part of that agency, to the building at the Federal Triangle in Washington, District of Columbia.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,200,000, to remain available until September 30, 1997, which sum shall be available for the Office of the Inspector General of the Agency for International Development. [Subtotal, Agency for International Development, $2,418,864,000.]

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,340,000,000, to remain available until September 30, 1997: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided

1 Limitation on guaranteed loans. CBO estimate, bill did not designate a limit.
further, that not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, that the Egyptian pound equivalent of $85,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, may be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following activities under such agreements: the Egyptian pound equivalent of $50,000,000 may be made available to replenish the existing endowment for the American University in Cairo, and the Egyptian pound equivalent of $35,000,000 may be made available for projects and programs, including establishment of an endowment, which promote the preservation and restoration of Egyptian antiquities: Provided further, that in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of non-military exports from the United States to each such country: Provided further, that it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, that none of the funds appropriated under this heading shall be made available for Zaire.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, that funds made available under this heading shall remain available until September 30, 1997.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $324,000,000, to remain available until September 30, 1997, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States. 

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropria-
Assistance for the New Independent States of the Former Soviet Union

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $641,000,000, to remain available until September 30, 1997: Provided, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization or nonproliferation programs.

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h) Funds appropriated under this heading may be made available for assistance for Mongolia.

(i) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided
to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations: Provided, That grantees and contractors should, to the maximum extent possible, place in key staff positions specialists with prior on the ground expertise in the region of activity and fluency in one of the local languages.

(j) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(k) Of the funds made available under this heading, not less than $225,000,000 shall be made available for Ukraine, with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $50,000,000 (from this or any other Act) shall be made available to improve energy self-sufficiency and improve safety at nuclear reactors, and of which $2,000,000 should be made available to conduct or implement an assessment of the energy distribution grid that provides recommendations leading to increased access to power by industrial, commercial and residential users, and of which not less than $22,000,000 shall be made available to support the development of small and medium enterprises, including independent broadcast and print media.

(l) Of the funds made available under this heading, $5,000,000 should be made available for a project to screen, diagnose, and treat victims of breast cancer associated with the 1985 incident at the Chernobyl reactor in Ukraine.

(m) Of the funds made available by this Act, not less than $85,000,000 shall be made available for Armenia.

(n) Of the funds made available by this or any other Act, $30,000,000 should be made available for Georgia.

(o)(1) Effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(2) Subparagraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective six months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(p) Of the funds appropriated under this heading, $20,000,000 should be provided for hospital partnership programs, medical assistance to directly reduce the incidence of infectious diseases
such as diphtheria or tuberculosis, and a program to reduce the adverse impact of contaminated drinking water.

(q) Of the funds appropriated under this heading and under the heading "Assistance for Eastern Europe and the Baltic States", not less than $12,600,000 shall be made available for law enforcement training and exchanges, and investigative and technical assistance activities related to international criminal activities.

(r) Support should be provided from funds appropriated under this heading for a ballot security project to promote public review by Russian citizens over the conduct of parliamentary and presidential elections in Russia: Provided, That the Secretary of State may waive this provision with regard to any election upon notification to the Committees on Appropriations that the Government of Russia has blocked implementation of a ballot security project.

(s) Of the funds appropriated under this heading, not less than $50,000,000 should be provided to the Western NIS and Central Asian Enterprise Funds: Provided, That obligation of these funds shall be consistent with sound business practices.

(t) The President shall establish a Trans-Caucasus Enterprise Fund to encourage regional peace through economic cooperation: Provided, That the President shall seek other bilateral and multilateral investors in the Fund: Provided further, That of the funds made available under this heading, not less than $15,000,000 shall be made available for a United States investment in the Trans-Caucasus Enterprise Fund.

(u) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(v) Section 5421(d)(3)(B) of title 22, United States Code, is amended by adding at the end thereof the following: "Provided, That, as to Enterprise Funds established with respect to more than one host country, such Enterprise Fund may, in lieu of the appointment of citizens of the host countries to its Board of Directors, establish an advisory council for the host region comprised of citizens of each of the host countries or establish separate advisory councils for each of the host countries (hereinafter in this section referred to as the 'Advisory Councils'), with which the Enterprise Fund's policies and proposed activities and such host country citizens shall satisfy the experience and expertise requirements of this clause."

(w) Notwithstanding any other provision of law, assistance may be provided for the Government of Azerbaijan for humanitarian purposes, if the President determines that humanitarian assistance provided in Azerbaijan through nongovernmental organizations is not adequately addressing the suffering of refugees and internally displaced persons.

[Subtotal, Other Bilateral Economic Assistance, $3,324,600,000.]
[Total, Agency for International Development, $5,743,464,000.]
INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $205,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1997.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $115,000,000: Provided, That during fiscal year 1996, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $671,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as

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$50,000,000 amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $16,000,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $20,000,000, to remain available until expended, to promote bilateral and multilateral activities: Provided, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations where it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

[TOTAL, DEPARTMENT OF STATE, $877,000,000.]
[TOTAL, TITLE II, BILATERAL ECONOMIC ASSISTANCE, $6,825,464,000.]

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $39,000,000: Provided, That up to $100,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of a government: Provided further, That none of the funds appropriated under this heading shall be available for Zaire and Guatemala: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia may only be available for expanded military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,208,390,000: Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be

1 Foreign Military Financing program level is $3,752,390,000, which is the total of grants and the limitation on direct loans.
available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That, for the purpose only of providing support for the Warsaw Initiative Program, of the funds appropriated by this Act under the headings “Assistance for Eastern Europe and the Baltic States” and “Assistance for the New Independent States of the Former Soviet Union”, up to a total of $20,000,000 may be transferred, notwithstanding any other provision of law, to the funds appropriated under this paragraph: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $64,400,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $544,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $224,000,000 only for Greece and $320,000,000 only for Turkey.

[Total, Foreign Military Assistance, $3,272,790,000.]

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Peru, Liberia, and Guatemala: Provided further, That none of the funds appropriated or otherwise made available for use under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: Provided further, That funds made available under this head-
ing may be used, notwithstanding any other provision of law, for demining activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1996 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $70,000,000: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

[Total, title III, Military Assistance Programs, $3,161,790,000.]

1 Limitation on administrative expenses.
2 Projected savings from fiscal year 1995 receipts of the Special Defense Acquisition Fund.
TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL FINANCIAL INSTITUTIONS
CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $28,189,963, to remain available until expended:

Provided, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $35,000,000, to remain available until September 30, 1997.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $911,475,013.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $700,000,000, for the United States contribution to the tenth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $60,900,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended:

Provided, That of the amount appropriated under this heading not more than $5,269,000 may be expended for the purchase of such stock in fiscal year 1996.

[Total, World Bank Group, $824,089,963.]

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,952,110, and for the United States share of the increase in the resources of the Fund for Special Operations, $10,000,000, to remain available until expended.

1 Limitation.
LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,523,767,142.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $53,750,000 to remain available until expended.

[Total, contribution to the Inter-American Development Bank, $89,702,110.]

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $100,000,000, to remain available until expended.

[Total, contribution to the Asian Development Bank, $113,221,596.]

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $70,000,000, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $54,600,000 may be expended for the purchase of such stock in fiscal year 1996.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $163,333,333.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the

\[1\] Limitation.
LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

[Total, contribution to International Financial Institutions, $1,153,263,669.]

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $285,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $30,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1996, and that no later than February 15, 1996, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1996: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1996 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1996 pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That funds may be made available to the Korean Peninsula Energy Development Organization (KEDO) for administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That no funds may be provided for KEDO for funding for administrative expenses and heavy fuel oil costs beyond the total amount included for KEDO in the fiscal year 1996 congressional presentation: Provided further, That no funds may be made available under this Act to KEDO unless the President determines and certifies in writing to the Committees on Appropriations that (a) in accordance with section 1 of the Agreed Framework, KEDO has designated a Republic of Korea company, corporation or entity for the purpose of negotiating a prime contract to carry out construction of the light water reactors provided for in the Agreed Framework; and (b) the Democratic People's Republic of Korea is maintaining the freeze on its nuclear facilities as required in the Agreed Framework; and (c) the United States is taking steps to assure that progress is made on (1) the North-South dia-

1 Limitation.
logue, including efforts to reduce barriers to trade and investment, such as removing restrictions on travel, telecommunications services and financial transactions; and (2) implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula: Provided further, That a report on the specific efforts with regard to subsections (a), (b) and (c) of the preceding proviso shall be submitted by the President to the Committees on Appropriations six months after the date of enactment of this Act, and every six months thereafter.

[Total, title IV, contribution for Multilateral Economic Assistance, $1,438,263,669.]

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled “International Disaster Assistance”, and “United States Emergency Refugee and Migration Assistance Fund”, not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading “Foreign Military Financing Program”, not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading “International Military Education and Training”, not to exceed $50,000 shall be available for entertainment allow-
PROHIBITION ON FINANCING NUCLEAR GOODS

Sec. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

Sec. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Serbia, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

Sec. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

Sec. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act.

DEOBLIGATION/REOBLIGATION AUTHORITY

Sec. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose...
as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1996, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1996.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8 and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds
otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

“Peacekeeping operations”, “Operating expenses of the Agency for International Development”, “Operating expenses of the Agency for International Development Office of Inspector General”, “Non-proliferation and Disarmament Fund”, “Anti-terrorism assistance”, “Foreign Military Financing Program”, “International military education and training”, “Inter-American Foundation”, “African Development Foundation”, “Peace Corps”, “Migration and refugee assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to public health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for “International Organizations and Programs” shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or
any similar provision of law, shall remain available for obligation through September 30, 1997.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND IN VOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

AUTHORIZATION OF POPULATION PLANNING

SEC. 518A. Notwithstanding section 526 of this Act, none of the funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA) may be obligated or expended prior to July 1, 1996, unless such funding is expressly authorized by law: Provided, That if such funds are not authorized by law prior to July 1, 1996, funds appropriated in title II of
this Act for population planning activities or other population assistance may be made available for obligation and expenditure in an amount not to exceed 65 percent of the total amount appropriated or otherwise made available by Public Law 103–306 and Public Law 104–19 for such activities for fiscal year 1995, and funds appropriated in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA) may be made available for obligation and expenditure in an amount not to exceed 65 percent of the total amount appropriated or otherwise made available by Public Law 103–306 and Public Law 104–19 for a contribution to UNFPA for fiscal year 1995; Provided further, That, pursuant to the previous proviso, such funds may be apportioned only on a monthly basis, beginning July 1, 1996 and ending September 30, 1997, and such monthly apportionments may not exceed 6.67 percent of the total available for such activities; Provided further, That notwithstanding any other provision of this Act, funds appropriated by this Act for the United Nations Population Fund (UNFPA) shall remain available for obligation until September 30, 1997.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Dominican Republic, Guatemala, Haiti, Liberia, Nicaragua, Pakistan, Peru, Russia, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations; Provided, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, “program, project, and activity” shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development “program, project, and activity” shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival,
and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1995" and inserting in lieu thereof "1996".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 527. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the
United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) Definition.—For purposes of this section, the term “international financial institution” includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527A. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.
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COMPETITIVE INSURANCE

Sec. 528A. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

Sec. 529. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

Sec. 530. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

Sec. 531A. (a) COSTING BASIS.—Section 22 of the Arms Export Control Act (22 U.S.C. 2762) is amended by adding at the end the following:

“(d) COMPETITIVE PRICING.—Procurement contracts made in implementation of sales under this section for defense articles and defense services wholly paid for from funds made available on a nonrepayable basis shall be priced on the same costing basis with regard to profit, overhead, independent research and development, bid and proposal, and other costing elements, as is applicable to procurements of like items purchased by the Department of Defense for its own use.”.

(b) EFFECTIVE DATE AND IMPLEMENTING REGULATIONS.—Section 22(d) of the Arms Export Control Act, as added by subsection (a)—

(1) shall take effect on the 60th day following the date of the enactment of this Act;
(2) shall be applicable only to contracts made in implementation of sales made after such effective date; and
(3) shall be implemented by revised procurement regulations, which shall be issued prior to such effective date.

(c) DIRECT COSTS ALLOWABLE.—Direct costs associated with meeting a foreign customer’s additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.
STOCKPILES OF DEFENSE ARTICLES

SEC. 531B. (a) LIMITATION ON VALUE OF ADDITIONS.—Section 514(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(1)) is amended by inserting “or in the implementation of agreements with Israel” after “North Atlantic Treaty Organization”.

(b) ADDITIONS IN FISCAL YEARS 1996 AND 1997.—Section 514(b)(2) of such Act (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

“(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for each of the fiscal years 1996 and 1997.

“(B) Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand.”.

(c) LOCATION OF STOCKPILES OF DEFENSE AUTHORITIES.—Section 514(c) of such Act (22 U.S.C. 2321h(c)) is amended to read as follows:

“(c) LOCATION OF STOCKPILES OF DEFENSE ARTICLES.—

“(1) LIMITATION.—Except as provided in paragraph (2), no stockpile of defense articles may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to stockpiles of defense articles located in the Republic of Korea, Thailand, any country that is a member of the North Atlantic Treaty Organization, any country that is a major non-NATO ally, or any other country the President may designate. At least 15 days before designating a country pursuant to the last clause of the preceding sentence, the President shall notify the congressional committees specified in section 634A(a) in accordance with the procedures applicable to reprogramming notifications under that section.”.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.
(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—
   (A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—
      (i) project and sector assistance activities, or
      (ii) debt and deficit financing; or
   (B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading “Sub-Saharan Africa, Development Assistance” as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.
COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. (a) Denial of Assistance.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;
(2) such assistance will directly benefit the needy people in that country; or
(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) Import Sanctions.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may be, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and
(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.

POW/MIA MILITARY DRAWDOWN

SEC. 535. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department
of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1996, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

Sec. 536. During fiscal year 1996, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

CASH FLOW FINANCING

Sec. 537. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

Sec. 538. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.
SEC. 539. None of the funds appropriated by this Act may be obligated or expended to provide—
(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;
(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or
(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 540. (a) Congress finds as follows:
(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.
(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.
(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.
(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer, subject to prior notification of the Committees on Appropriations, to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed $100,000,000 in fiscal year 1996: Provided, That the President certifies in a timely fashion to the Congress that the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region.
(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall
report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 540A. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

(d) EXPANDED AUTHORITY.—Section 660(b) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (3), by striking “or”;

(2) in paragraph (4), by striking the period at the end thereof and inserting “; or”;

(3) adding the following new paragraphs:

“(5) with respect to assistance, including training, relating to sanctions monitoring and enforcement;

“(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.”.
SPECIAL AUTHORITIES

SEC. 541. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That the President shall terminate assistance to any country or organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations, or to the military of any country which the President determines is not taking steps to prevent a pattern or practice of commercial relations between its members and the Khmer Rouge.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1996, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 542. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country; and

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and
(D) encourage the allies and trading partners of the
United States to enact laws prohibiting businesses from
complying with the boycott and penalizing businesses that
do comply.

ANTI-NARCOTICS ACTIVITIES

Sec. 543. (a) Of the funds appropriated or otherwise made
available by this Act for "Economic Support Fund", assistance may
be provided to strengthen the administration of justice in countries
in Latin America and the Caribbean in accordance with the provi-
sions of section 534 of the Foreign Assistance Act of 1961, except
that programs to enhance protection of participants in judicial
cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be
made available notwithstanding the third sentence of section 534(e)
of the Foreign Assistance Act of 1961. Funds made available pursu-
ant to subsection (a) for Bolivia, Colombia and Peru may be made
available notwithstanding section 534(c) and the second sentence
of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

Sec. 544. (a) Assistance Through Nongovernmental
Organizations.—Restrictions contained in this or any other Act
with respect to assistance for a country shall not be construed
to restrict assistance in support of programs of nongovernmental
organizations from funds appropriated by this Act to carry out
the provisions of chapters 1 and 10 of part I of the Foreign Assist-
ance Act of 1961: Provided, That the President shall take into
consideration, in any case in which a restriction on assistance
would be applicable but for this subsection, whether assistance
in support of programs of nongovernmental organizations is in
the national interest of the United States: Provided further, That
before using the authority of this subsection to furnish assistance
in support of programs of nongovernmental organizations, the Presi-
dent shall notify the Committees on Appropriations under the regu-
lar notification procedures of those committees, including a descrip-
tion of the program to be assisted, the assistance to be provided,
and the reasons for furnishing such assistance: Provided further,
That nothing in this subsection shall be construed to alter any
existing statutory prohibitions against abortion or involuntary steri-
lizations contained in this or any other Act.

(b) Public Law 480.—During fiscal year 1996, restrictions con-
tained in this or any other Act with respect to assistance for
a country shall not be construed to restrict assistance under the
Agricultural Trade Development and Assistance Act of 1954: Pro-
vided, That none of the funds appropriated to carry out title I
of such Act and made available pursuant to this subsection may
be obligated or expended except as provided through the regular
notification procedures of the Committees on Appropriations.

(c) Exception.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance
Act or any comparable provision of law prohibiting assistance
to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance
Act of 1961 or any comparable provision of law prohibiting
assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544A. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 546. (a) The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

(b) The authority of section 516 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide defense articles to Jordan, Estonia, Latvia, and Lithuania.
Sec. 547. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

USE OF AMERICAN RESOURCES

Sec. 548. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Sec. 549. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

Sec. 550. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

Sec. 551. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Sec. 552. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act. (b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States. (c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees

Contracts.

Termination date.

President. Reports.
a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 553. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 554. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103–236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 555. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1996 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 556. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended,
may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

NONLETHAL EXCESS DEFENSE ARTICLES

SEC. 557. Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1996, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to countries eligible to participate in the Partnership for Peace and to receive assistance under Public Law 101–179.

LANDMINES

SEC. 558. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking out “During the four-year period beginning on October 23, 1992” and inserting in lieu thereof “During the five-year period beginning on October 23, 1992”.

CLARIFICATION OF RESTRICTIONS

SEC. 559. (a) In General.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words “No assistance” and inserting the words “No military assistance”;

(B) by striking the words “in which assistance is to be furnished or military equipment or technology” and inserting the words “in which military assistance is to be furnished or military equipment or technology”;

(C) by striking the words “the proposed United States assistance” and inserting the words “the proposed United States military assistance”;

(D) by inserting “(1)” immediately after “(e)”; and

(E) by adding the following new paragraphs:

“(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:
"(A) International narcotics control (including chapter 8 of part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes.

"(B) Facilitating military-to-military contact, training (including chapter 5 of part II of this Act) and humanitarian and civic assistance projects.

"(C) Peacekeeping and other multilateral operations (including chapter 6 of part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided.

"(D) Antiterrorism assistance (including chapter 8 of part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes.

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.";

and

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

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amount paid, on such terms and conditions as the President may prescribe: Provided, That such payments have no budgetary impact.

"(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan: Provided, That the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25,000,000.

"(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.”.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 560. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho.
or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 561. None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;
(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or
(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SEC. 562. (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Funds may be made available with regard to the restriction in subsection (a) if the President determines that to do so is in the national security interest of the United States.

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 563. (a) WITHHOLDING.—The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(b) EXCEPTIONS.—The requirement of subsection (a) to withhold assistance shall not apply with respect to—

(1) assistance to meet urgent humanitarian needs including disaster and refugee relief;
(2) democratic political reform and rule of law activities;
(3) the creation of private sector and nongovernmental organizations that are independent of government control;
(4) the development of a free market economic system; and
(5) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160).

LIMITATION ON FUNDS FOR HAITI

Sec. 564. Effective March 1, 1996, none of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with the requirements of the 1987 Constitution of Haiti.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

Sec. 565. (a) Sense of Congress.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

LIMITATION ON ASSISTANCE TO TURKEY

Sec. 566. Not more than $33,500,000 of the funds appropriated in this Act under the heading “Economic Support Fund” may be made available to the Government of Turkey.

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

Sec. 566A. None of the funds appropriated in this Act under the heading “North American Development Bank” and made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank.

LIMITATION ON FUNDS FOR BURMA

Sec. 567. None of the funds made available in this Act may be used for International Narcotics Control or Crop Substitution Assistance for the Government of Burma.

ASIAN DEVELOPMENT BANK

Sec. 568. The Secretary of the Treasury may, to fulfill commitments of the United States, subscribe to and make payments for shares of the Asian Development Bank in connection with the fourth general capital increase of the Bank. The amount authorized to be appropriated for paid-in shares of the Bank is limited to $66,614,647; the amount authorized to be appropriated for payment for callable shares of the Bank is limited to $3,264,178,021. The amount to be paid in respect of each subscription is authorized to be appropriated without fiscal year limitation. Any subscription by the United States to the capital stock of the Bank shall be
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effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. 569. In order to pay for the United States contribution to the tenth replenishment of the resources of the International Development Association authorized in section 526 of Public Law 103–87, there is authorized to be appropriated, without fiscal year limitation, $700,000,000 for payment by the Secretary of the Treasury.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a) Authority to Reduce Debt.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or
(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) Limitations.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.
(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.
(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

(c) Conditions.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;
(2) has not repeatedly provided support for acts of international terrorism;
(3) is not failing to cooperate on international narcotics control matters;
(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and
(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) Availability of Funds.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

(e) Certain Prohibitions Inapplicable.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.
SEC. 571. (a) Loans Eligible for Sale, Reduction, or Cancellation.—

(1) Authority to sell, reduce, or cancel certain loans.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid or such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with section 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) Terms and conditions.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) Administration.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) Limitation.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) Deposit of Proceeds.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) Eligible Purchasers.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) Debtor Consultations.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult
with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) Availability of Funds.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

**DRAWDOWN AUTHORITY FOR JORDAN**

Sec. 572. During fiscal year 1996, the President may direct, for the purposes of part II of the Foreign Assistance Act of 1961, the drawdown for Jordan of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of up to an aggregate of $100,000,000: Provided, That—

(a) within six months of the last drawdown under subsection (a), the President shall submit a report to the Committee on Appropriations identifying the articles, services, training or education provided;

(b) section 506(c) of the Foreign Assistance Act of 1961 shall apply to the drawdown authority in this section; and

(c) section 632(d) of the Foreign Assistance Act of 1961 shall not apply with respect to drawdowns under this section.

**LIBERIA**

Sec. 573. (a) Public Law 102–270 is amended—

(1) in subsection (b) by striking “Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any other similar provision, the” and inserting “The”;

(2) in subsection (b)(2) by striking “to implement the Yamoussoukro peace accord”.

(b) Funds appropriated by this Act may be made available for assistance for Liberia notwithstanding section 620(q) of the Foreign Assistance Act of 1961 and section 512 of this Act.

**ANNUAL REPORT ON ECONOMIC AND SOCIAL GROWTH**

Sec. 574. (a) Reporting Requirement.—The President shall submit to the appropriate congressional committees an annual report providing a concise overview of the prospects for economic and social growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include criteria regarding wage and price controls, State ownership of production and distribution, State control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections and a country’s commitment to stimulate education, health and human development.

(b) Countries.—The countries referred to in subsection (a) are countries—

(1) for which in excess of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter...
4 of part II of the Foreign Assistance of 1961, and under
the Support for East European Democracy Act of 1989; or
(2) for which in excess of $1,000,000 has been obligated
during the previous fiscal year by the Overseas Private Invest-
ment Corporation.
(c) CONSULTATION.—The Secretary of State shall submit the
report required by subsection (a) in consultation with the Secretary
of the Treasury, the Administrator of the Agency for International
Development, and the President of the Overseas Private Investment
Corporation. The report shall be submitted with the annual congres-
sional presentation for appropriations.

SEC. 575. To the maximum extent possible, the funds provided
by this Act shall be used to provide surveying and mapping related
services through contracts entered into through competitive bidding
to qualified United States contractors.

REPORTS REGARDING HONG KONG

SEC. 576. (a) Section 301 of the United States-Hong Kong
Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above
paragraph (1) by inserting “March 31, 1996,” after “March 31,
1995,”.
(b) In light of the deficiencies in reports submitted to the
Congress pursuant to section 301 of the United States-Hong Kong
Policy Act (22 U.S.C. 5731), the Congress directs that the additional
report required to be submitted under such section by subsection
(a) of this section include detailed information on the status of,
and other developments affecting, implementation of the Sino-Brit-
ish Joint Declaration on the Question of Hong Kong, including—
(1) the Basic Law and its consistency with the Joint
Declaration;
(2) the openness and fairness of elections to the legisla-
ture;
(3) the openness and fairness of the election of the
chief executive and the executive's accountability to the
legislature;
(4) the treatment of political parties;
(5) the independence of the judiciary and its ability
to exercise the power of final judgment over Hong Kong
law; and
(6) the Bill of Rights.

SEC. 577. Notwithstanding any other provision of this Act,
$20,000,000 of the funds made available under the headings “Devel-
opment Assistance” and/or “Economic Support Fund” may be trans-
ferred to, and merged with, the appropriations account entitled
“International Narcotics Control” and may be available for the
same purposes for which funds in such account are available.

GUATEMALA

SEC. 578. (a) Funds provided in this Act may be made available
for the Guatemalan military or security forces, and the restrictions
on Guatemala under the headings “International Military Education
and Training” and “Foreign Military Financing Program” shall not
apply, only if the President determines and certifies to the Congress
that the Guatemalan military is cooperating with efforts to resolve
human rights abuses which elements of the Guatemalan military
or security forces are alleged to have committed, ordered or attempted to thwart the investigation of.

(b) The prohibition contained in subsection (a) shall not apply to funds made available to implement a cease-fire or peace agreement.

(c) Any funds made available pursuant to subsections (a) or (b) shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Any funds made available pursuant to subsections (a) and (b) for international military education and training may only be for expanded international military education and training.

EXTENSION OF TIED AID CREDIT PROGRAM

SEC. 579. (a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i±3(c)(2) is amended by striking “1995” and inserting “1997”.


MORATORIUM ON USE OF ANTIPEOPLE LANDMINES

SEC. 580. (a) United States Moratorium.—For a period of one year beginning three years after the date of enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(b) Definition and Exemptions.—For the purposes of this section:

(1) Antipersonnel Landmine.—The term “antipersonnel landmine” means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) Exemptions.—The term “antipersonnel landmine” does not include command detonated Claymore munitions.

EXTENSION OF AU PAIR PROGRAMS

SEC. 581. Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking “fiscal year 1995” and inserting “fiscal year 1996”.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 582. (a) Bilateral Assistance.—Funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act may not be provided for any country described in subsection (c).

(b) Multilateral Assistance.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).
(c) Sanctioned Countries.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—
    (1) have been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or
    (2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—
        (A) the Nazi government of Germany;
        (B) any government in any area occupied by the military forces of the Nazi government of Germany;
        (C) any government which was established with the assistance or cooperation of the Nazi government; or
        (D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 583. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act, may be provided to the Government of Haiti until the President reports to Congress that—
    (1) the Government is conducting thorough investigations of extrajudicial and political killings; and
    (2) the Government is cooperating with United States authorities in the investigations of political and extrajudicial killings.
    (b) Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance.
    (c) The President may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is in the national interest of the United States or necessary to assure the safe and timely withdrawal of American forces from Haiti.

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION.

SEC. 584. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

NATO PARTICIPATION

SEC. 585. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.—
    (a) ELIGIBLE COUNTRIES.—Subsection (d) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:
        "(d) Designation of Eligible Countries.—
            "(1) Initial Presidential Review and Designation.—
                Within 60 days of the enactment of the NATO Participation
Act Amendments of 1995, the President should evaluate the degree to which any country emerging from communist domination which has expressed its interest in joining NATO meets the criteria set forth in paragraph (3), and may designate one or more of these countries as eligible to receive assistance under the program established under subsection (a). The President shall, at the time of designation of any country pursuant to this paragraph, determine and report to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate with respect to each country so designated that such country meets the criteria set forth in paragraph (3).

"(2) Other European countries emerging from communist domination.—In addition to the countries designated pursuant to paragraph (1), the President may at any time designate other European countries emerging from communist domination as eligible to receive assistance under the program established under subsection (a). The President shall, at the time of designation of any country pursuant to this paragraph, determine and report to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate with respect to each country so designated that such country meets the criteria set forth in paragraph (3).

"(3) Criteria.—The criteria referred to in paragraphs (1) and (2) are, with respect to each country, that the country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;
"(ii) democratic governments;
"(iii) free market economies;
"(iv) civilian control of the military, of the police, and of intelligence services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;
"(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;
"(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;
"(vii) commitment to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;
"(viii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and
"(ix) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(B) is likely, within five years of such determination, to be in a position to further the principles of the North
Atlantic Treaty and to contribute to the security of the North Atlantic area; and

"(C) is not ineligible to receive assistance under section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act.".

(2) Conforming Amendments.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking "countries described in such subsection" each of the two places it appears and inserting "countries designated under subsection (d)".

(B) Subsection (e) of section 203 of such Act is amended by inserting "(22 U.S.C. 2394-1), and shall include with such notification a memorandum of justification with respect to the proposed designation" before the period at the end.

(b) Types of Assistance.—Section 203(c) of such Act is amended by inserting after paragraph (4) the following new paragraphs:


"(6) Funds appropriated under the "Nonproliferation and Disarmament Fund" account.

"(7) Assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).

"(8) Notwithstanding any other provision of law, including any restrictions in sections 516 and 519 of the Foreign Assistance Act of 1961, as amended, the President may direct the crating, packing, handling, and transportation of excess defense articles provided pursuant to paragraphs (1) and (2) of this subsection without charge to the recipient of such articles."

(c) Effect on Other Authorities.—Section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447, 22 U.S.C. 1928 note), is amended to add a new subsection (g) to read as follows:

"(g) Effect on Other Authorities.—Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act."

(d) Annual Report.—Section 205 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended:

(1) by inserting "ANNUAL" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1); and

(3) in paragraphs (1) and (2), by striking "and other" and all that follows through the period at the end and in both instances inserting in lieu thereof "and any other country designated by the President pursuant to section 203(d)."
SHORT TITLE

Sec. 601. This title may be cited as the “Middle East Peace Facilitation Act of 1995”.

FINDINGS

Sec. 602. The Congress finds that—

(1) the Palestine Liberation Organization (hereafter the “P.L.O.”) has recognized the State of Israel’s right to exist in peace and security, accepted United Nations Security Council Resolutions 242 and 338, committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability, and assumed responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the P.L.O. as the representative of the Palestinian people;

(3) Israel and the P.L.O. signed a Declaration of Principles on Interim Self-Government Arrangements (hereafter the “Declaration of Principles”) on September 13, 1993 at the White House;

(4) Israel and the P.L.O. signed an Agreement on the Gaza Strip and the Jericho Area (hereafter the “Gaza-Jericho Agreement”) on May 4, 1994 which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the P.L.O. signed an Agreement on Preparatory Transfer of Powers and Responsibilities (hereafter the “Early Empowerment Agreement”) on August 29, 1994 which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza (hereafter the “Interim Agreement”) signed on September 28, 1995, the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the P.L.O.’s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the P.L.O., subject to Presidential certifications that the P.L.O. has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the P.L.O. commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for former approval the necessary changes to those articles of the Palestinian Covenant which call for Israel’s destruction, and to prevent acts of terrorism and hostilities against Israel; and
(10) the United States is resolute in its determination to ensure that in providing assistance to Palestinians living under the jurisdiction of the Palestinian Authority or elsewhere, the beneficiaries of such assistance shall be held to the same standard of financial accountability and management control as any other recipient of United States assistance.

SENSE OF CONGRESS

SEC. 603. It is the sense of the Congress that the P.L.O. must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular it must—

(1) submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;
(2) make greater efforts to pre-empt acts of terror, discipline violators and contribute to stemming the violence that has resulted in the deaths of over 140 Israeli and United States citizens since the signing of the Declaration of Principles;
(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;
(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;
(5) confiscate all unlicensed weapons;
(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel to acts of terrorism; and
(7) respect civil liberties, human rights and democratic norms.

AUTHORITY TO SUSPEND CERTAIN PROVISIONS

SEC. 604. (a) IN GENERAL.—Subject to subsection (b), beginning on the date of enactment of this Act and for eighteen months thereafter, the President may suspend for a period of not more than 6 months at a time any provision of law specified in subsection (d). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATIONS.—Prior to each exercise of the authority provided in subsection (a) or certification pursuant to subsection (c), the President shall consult with the relevant congressional committees. The President may not exercise such authority or make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(A) it is in the national interest of the United States to exercise such authority;

(B) the P.L.O., the Palestinian Authority, and successor entities are complying with all the commitments described in paragraph (4); and

(C) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public
Foreign Operations, Export Financing Appropriations, 1996

Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(3) Requirement for Continuing P.L.O. Compliance.—

(A) The President shall ensure that P.L.O. performance is continuously monitored and if the President at any time determines that the P.L.O. has not continued to comply with all the commitments described in paragraph (4), he shall so notify the relevant congressional committees and any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective.

(B) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the P.L.O.’s performance determines that the P.L.O. is not complying with the requirements described in subsection (c), he shall so notify the relevant congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a) until such time as the President makes the certification provided for in subsection (c).

(4) P.L.O. Commitments Described.—The commitments referred to in paragraphs (2)(B) and (3)(A) are the commitments made by the P.L.O.—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(i) recognize the right of the State of Israel to exist in peace and security;

(ii) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel’s destruction, and

(B) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Interim Agreement concerning—

(i) prevention of acts of terrorism and legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror;

(ii) abstention from and prevention of incitement, including hostile propaganda;

(iii) operation of armed forces other than the Palestinian Police;
(iv) possession, manufacture, sale, acquisition or importation of weapons;
(v) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;
(vi) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;
(vii) cooperation with the government of Israel in criminal matters, including cooperation in the conduct of investigations; and
(viii) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(5) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant Congressional Committees pursuant to paragraph (1), the President will report on—

(A) the manner in which the P.L.O. has complied with the commitments specified in paragraph (4), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;
(B) the extent to which the P.L.O. has fulfilled the requirements specified in subsection (c);
(C) actions that the P.L.O. has taken with regard to the Arab League boycott of Israel;
(D) the status and activities of the P.L.O. office in the United States;
(E) all United States assistance which benefits, directly or indirectly, the projects, programs, or activities of the Palestinian Authority in Gaza, Jericho, or any other area it may control, since September 13, 1993, including—
(i) the obligation and disbursal of such assistance, by project, activity, and date, as well as by prime contractor and all subcontractors;
(ii) the organizations or individuals responsible for the receipt and obligation of such assistance;
(iii) the intended beneficiaries of such assistance; and
(iv) the amount of international donor funds that benefit the P.L.O. or the Palestinian Authority in Gaza, Jericho, or any other area the P.L.O. or the Palestinian Authority may control, and to which the United States is a contributor; and
(F) statements by senior officials of the P.L.O., the Palestinian Authority, and successor entities that question the right of Israel to exist or urge armed conflict with or terrorism against Israel or its citizens, including an assessment of the degree to which such statements reflect official policy of the P.L.O., the Palestinian Authority, or successor entities.

(c) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the enactment of this Act, United States assistance shall not be provided pursuant to the exercise by the President...
of the authority provided by subsection (a), unless and until the President determines and so certifies to the Congress that—

(1) if the Palestinian Council has been elected and assumed its responsibilities, it has, within 2 months, effectively disavowed and thereby nullified the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been approved by the Palestine National Council;

(2) the P.L.O., the Palestinian Authority, and successor entities have exercised their authority resolutely to establish the necessary enforcement institutions; including laws, police, and a judicial system, for apprehending, transferring, prosecuting, convicting, and imprisoning terrorists;

(3) the P.L.O., has limited participation in the Palestinian Authority and its successors to individuals and groups that neither engage in nor practice terrorism or violence in the implementation of their political goals;

(4) the P.L.O., the Palestinian Authority, and successor entities have not provided any financial or material assistance or training to any group, whether or not affiliated with the P.L.O., to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(5) the P.L.O., the Palestinian Authority, or successor entities have cooperated in good faith with Israeli authorities in—

(A) the preemption of acts of terrorism;

(B) the apprehension, trial, and punishment of individuals who have planned or committed terrorist acts subject to the jurisdiction of the Palestinian Authority or any successor entity; and

(C) the apprehension of and transfer to Israeli authorities of individuals suspected of, charged with, or convicted of, planning or committing terrorist acts subject to Israeli jurisdiction in accordance with the specific provisions of the Interim Agreement;

(6) the P.L.O., the Palestinian Authority, and successor entities have exercised their authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons;

(7) the P.L.O., the Palestinian Authority, and successor entities have not funded, either partially or wholly, or have ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem unless established by specific agreement between Israel and the P.L.O., the Palestinian Authority, or successor entities;

(8) the P.L.O., the Palestinian Authority, and successor entities are cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof; and

(9) the P.L.O., the Palestinian Authority, and successor entities have not, without the agreement of the Government of Israel, taken any steps that will change the status of Jerusalem or the West Bank and Gaza Strip, pending the outcome of the permanent status negotiations.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:
(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the P.L.O. or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, fiscal years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the P.L.O. or entities associated with it.


(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies on the granting to the P.L.O. of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term “other official status” does not include membership in the International Monetary Fund.

(e) DEFINITIONS.—As used in this title:

(1) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” mean—

(A) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) UNITED STATES ASSISTANCE.—The term “United States assistance” means any form of grant, loan, loan guarantee, credit, insurance, in kind assistance, or any other form of assistance.

TRANSITION PROVISION

SEC. 605. (a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking “November 1, 1995” and inserting “January 1, 1996”.

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to November 15, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

REPORTING REQUIREMENT

SEC. 606. Section 804(b) of the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) is amended—

(1) in the matter preceding paragraph (1), by striking “section (3)(b)(1) of the Middle East Peace Facilitation Act of 1994” and inserting “section 604(b)(1) of the Middle East Peace Facilitation Act of 1995”;

(2) in paragraph (1), by striking “section (4)(a) of the Middle East Peace Facilitation Act of 1994 (Oslo commitments)” and inserting “section 604(b)(4) of the Middle East Peace Facilitation Act of 1995”. 
This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996”.

Approved February 12, 1996.

*LEGISLATIVE HISTORY—H.R. 1868:
HOUSE REPORTS: Nos. 104–143 (Comm. on Appropriations) and 104–295 (Comm. of Conference).
SENATE REPORTS: No. 104–143 (Comm. on Appropriations).
June 22, 27, 28, July 11, considered and passed House.
Sept. 20, 21, considered and passed Senate, amended.
Oct. 31, House agreed to conference report; receded and concurred in Senate amendment No. 115 with an amendment.
Nov. 1, Senate agreed to conference report; concurred in House amendment to Senate amendment No. 115 with an amendment.
Nov. 15, House disagreed to Senate amendment. Senate receded from its amendment No. 115.
Dec. 13, House receded from its amendment to Senate amendment No. 115 and concurred with an amendment.

*Note: Pursuant to sec. 301, Public Law 104–99, 110 Stat. 38, as enacted on January 26, 1996, House and Senate disposed of Senate amendment No. 115 as if enacted into law.

Grand total, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 .......... $12,103,536,669
By transfer ................................................................. (50,000,000)
Limitation on administrative expenses ..................... (23,250,000)
Limitation on callable capital subscriptions ........... (3,565,183,692)
Direct loan authorization ............................................ (624,958,000)
Guaranteed loan authorization .................................. (1,402,300,000)

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for Foreign Assistance activities for fiscal year 1996:

Permanent appropriations:
Federal funds ................................................................. − 641,745,000
Trust funds ................................................................. 13,428,604,000
Baltic States Supplemental, 1996 (Public Law 104–122) ........ 198,000,000
Supplemental, Rescissions and Offsets, 1996 (Public Law 104–134) ......................................................... 120,000,000
Rescission ................................................................. −42,000,000

Net subtotal, additions .................................................. 13,062,859,000

Net total, Foreign Assistance ........................................ 25,166,395,669
DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

110 STAT. PUBLIC LAW 104–134—APR. 26, 1996

*Public Law 104–134

104th Congress An Act

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

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

SECTION 101(c). For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $567,453,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150), and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)): Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $567,453,000: Provided further, That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain

* Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.
available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: Provided, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended:

Provided, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,115,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

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

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and mainte-
nance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands: $97,452,000, to remain available until expended: Provided, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: Provided further, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.
MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

[Total, Bureau of Land Management, $1,065,955,000.]

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, §501,010,000, to remain available for obligation until September 30, 1997, of which $4,000,000 shall be available for activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), of which $11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: Provided, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That no monies appropriated under this or any other Act shall be used by the Secretary of
the Interior or by the Secretary of Commerce to implement subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies may be used to delist or reclassify species pursuant to sections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and to issue emergency listings under section 4(b)(7) of the Endangered Species Act: Provided further, That the President is authorized to suspend the provisions of the preceding proviso if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which the preceding proviso would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,655,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); $4,000,000, to remain available until expended: Provided, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $36,900,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, $8,085,000 for grants to States, to be
For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101-618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and
investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft; Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: Provided further, That none of the funds made available in this Act may be used by the U.S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U.S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: Provided further, That with respect to lands leased for farming pursuant to Public Law 88–567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

[Total, United States Fish and Wildlife Service, $606,931,000.]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,082,481,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived
from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,649,000: Provided, That $236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND


CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $143,225,000, to remain available until expended: Provided, That not to exceed $4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: Provided further, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $49,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which $1,500,000 is to administer the State assistance program: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles,
of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

[Net total, National Park Service, $1,320,667,000.]

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the
foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,163,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: Provided, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.
ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE
ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $182,555,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: Provided, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended; provided further, That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees.
or Tribes, or to correct prior unrecoverable erroneous payments: Provided further, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

[Total, Minerals Management Service, $188,995,000.]

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets,
liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to “function” includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: Provided, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: Provided, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.
ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per cent shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per cent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per cent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

[Total, Office of Surface Mining Reclamation and Enforcement, $269,857,000.]
improvement of Indian housing, $1,384,434,000, of which not to exceed $100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed $71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: Provided further, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: Provided further, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: Provided further, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: Provided further, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 1997: Provided further, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs,
other than the amounts provided herein for assistance to public
schools under the Act of April 16, 1934 (48 Stat. 596), as amended
(25 U.S.C. 452 et seq.), shall be available to support the operation
of any elementary or secondary school in the State of Alaska in
fiscal year 1996: Provided further, That funds made available in
this or any other Act for expenditure through September 30, 1997
for schools funded by the Bureau of Indian Affairs shall be available
only to the schools which are in the Bureau of Indian Affairs
school system as of September 1, 1995: Provided further, That
no funds available to the Bureau of Indian Affairs shall be used
to support expanded grades for any school beyond the grade struc-
ture in place at each school in the Bureau of Indian Affairs school
system as of October 1, 1995: Provided further, That notwithstanding
the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the
recommendation of a local school board for a Bureau of Indian
Affairs operated school, the Secretary shall establish rates of basic
compensation or annual salary rates for the positions of teachers
and counselors (including dormitory and homeliving counselors)
at the school at a level not less than that for comparable positions
in public school districts in the same geographic area, to become
effective on July 1, 1997: Provided further, That of the funds avail-
able only through September 30, 1995, not to exceed $8,000,000
in unobligated and unexpended balances in the Operation of Indian
Programs account shall be merged with and made a part of the
fiscal year 1996 Operation of Indian Programs appropriation, and
shall remain available for obligation for employee severance, reloca-
tion, and related expenses, until September 30, 1996.

CONSTRUCTION

For construction, major repair, and improvement of irrigation
and power systems, buildings, utilities, and other facilities, includ-
ing architectural and engineering services by contract; acquisition
of lands and interests in lands; and preparation of lands for farming,
$100,833,000, to remain available until expended: Provided, That
such amounts as may be available for the construction of the
Navajo Indian Irrigation Project and for other water resource devel-
ment activities related to the Southern Arizona Water Rights
Settlement Act may be transferred to the Bureau of Reclamation:
Provided further, That not to exceed 6 per centum of contract
authority available to the Bureau of Indian Affairs from the Federal
Highway Trust Fund may be used to cover the road program
management costs of the Bureau of Indian Affairs: Provided further,
That any funds provided for the Safety of Dams program pursuant
to 25 U.S.C. 13 shall be made available on a non-reimbursable
basis: Provided further, That for the fiscal year ending September
30, 1996, in implementing new construction or facilities improve-
ment and repair project grants in excess of $100,000 that are
provided to tribally controlled grant schools under Public Law 100-
297, as amended, the Secretary of the Interior shall use the
Administrative and Audit Requirements and Cost Principles for
Assistance Programs contained in 43 CFR part 12 as the regulatory
requirements: Provided further, That such grants shall not be sub-
ject to section 12.61 of 43 CFR; the Secretary and the grantee
shall negotiate and determine a schedule of payments for the work
to be performed: Provided further, That in considering applications,
the Secretary shall consider whether the Indian tribe or tribal
organization would be deficient in assuring that the construction

25 USC 2012 note.
projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

IN INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $80,645,000, to remain available until expended; of which $78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $500,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $500,000.

[Total, $5,000,000.]

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275

\[1\] Limitation on guaranteed loans
passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

[Total, Bureau of Indian Affairs, $1,571,412,000.]

**TERRITORIAL AND INTERNATIONAL AFFAIRS**

**ASSISTANCE TO TERRITORIES**

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

**COMPACT OF FREE ASSOCIATION**

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands
as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658: Provided, That notwithstanding section 112 of Public Law 101-219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99-658, or its annex, if the changes do not result in increased costs to the United States.

[Total, Territorial and International Affairs, $90,126,000.]

**DEPARTMENTAL OFFICES**

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

For necessary expenses for management of the Department of the Interior, $56,912,000, of which not to exceed $7,500 may be for official reception and representation expenses.

**OFFICE OF THE SOLICITOR**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of the Solicitor, $34,427,000.

**OFFICE OF INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General, $23,939,000.

**CONSTRUCTION MANAGEMENT**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of Construction Management, $500,000.

**NATIONAL INDIAN GAMING COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $1,000,000: Provided, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or non-compliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): Provided further, That the information contained in the report shall be updated on a continuing basis.
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OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $16,338,000, of which $15,891,000 shall remain available until expended for trust funds management: Provided, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That obligated and unobligated balances provided for trust funds management within "Operation of Indian programs", Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

TOTAL, DEPARTMENTAL OFFICES, $133,116,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 102. The Secretary may authorize the expenditure or transfer of any non-year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of...
the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the “Emergency Department of the Interior Firefighting Fund” shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms
or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4–204).

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

Sec. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

Sec. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.

Sec. 109. Section 6003 of Public Law 101–380 is hereby repealed.

Sec. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

Sec. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President’s moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

Sec. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

Sec. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

Sec. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

Sec. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member own-
ers of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102-436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90-544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: Provided, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94-241 (90 Stat. 263) as added by section 10 of Public Law 99-396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99-239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allo-
cated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities. Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99-239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided."

Sec. 119. (a) Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of $1,100,000 for operation of the
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Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

(b) The President is authorized to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

[Net total, title I, Department of the Interior, $6,041,222,000.]

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $178,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $136,884,000, to remain available until expended, as authorized by law: Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", $1,257,057,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)): Provided, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That
up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $385,485,000, to remain available until expended: Provided, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $163,600,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: Provided further, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: Provided further, That $2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: Provided further, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center and related trail construction funds to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: Provided further, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": Provided further, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: Provided further, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory

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1 Timber receipts transfer to general fund, indefinite.
2 Timber purchaser credits.
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$39,400,000 authority applicable to the Forest Service, $39,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That funding for specific land acquisitions are subject to the approval of the House and Senate Committees on Appropriations.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

(a) There is hereby established in the Treasury a Southeast Alaska Economic Disaster Fund. There are hereby appropriated $110,000,000, which shall be deposited into this account, which shall be available without further appropriation or fiscal year limitation. All moneys from the Fund shall be distributed by the Secretary of Agriculture in accordance with the provisions set forth herein.

(b) None of the funds provided under this heading shall be available unless the President exercises the authority provided in section 325(c) of this Act.

(c)(1) The Secretary shall provide $40,000,000 in direct grants from the Fund for fiscal year 1996 and $10,000,000 in each of fiscal years 1997, 1998, and 1999 to communities in Alaska as follows:

(A) to the City and Borough of Sitka, $8,000,000 in fiscal year 1996 and $2,000,000 in each of fiscal years 1997, 1998, and 1999;
(B) to the City of Wrangell, $18,700,000 in fiscal year 1996 and $4,700,000 in each of fiscal years 1997, 1998, and 1999; and

(C) to the City and Borough of Ketchikan, $13,300,000 in fiscal year 1996 and $3,300,000 in each of fiscal years 1997, 1998, and 1999.

(2) The funds provided under paragraph (1) shall be used to employ former timber workers in Wrangell and Sitka, and for related community development projects in Sitka, Wrangell, and Ketchikan.

(3) The Secretary shall allocate an additional $10,000,000 from the Fund for each of fiscal years 1996, 1997, 1998, and 1999 to communities in Alaska according to the following percentages:

(A) the Borough of Haines, 5.5 percent;
(B) the City and Borough of Juneau, 10.3 percent;
(C) the Ketchikan Gateway Borough, 4.5 percent;
(D) the City and Borough of Sitka, 10.8 percent;
(E) the City and Borough of Yakutat, 7.4 percent; and
(F) the unorganized Boroughs within the Tongass National Forest, 61.5 percent.

(4) Funds provided pursuant to paragraph (3)(F) shall be allocated by the Secretary of Agriculture to the unorganized Boroughs in the Tongass National Forest in the same proportion as timber receipts were made available to such Boroughs in fiscal year 1995, and shall be in addition to any other monies provided to such Boroughs under this Act or any other law.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, “reinvention” or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare...
Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: Provided, That no funds shall be made available under this authority until funds appropriated to the “Emergency Forest Service Firefighting Fund” shall have been exhausted.

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

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

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

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority
projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408. None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: Provided, That this limitation shall not apply to hardwood stands damaged by natural disaster: Provided further, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

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

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

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

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3-2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alter-
native P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint or rock colorization:

Provided,

That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

[Total, Forest Service, $2,275,773,000.]

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,018,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing
from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $148,786,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: Provided further, That section 501 of Public Law 101-45 is hereby repealed.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $553,189,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: Provided, That $140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: $114,196,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account" and $100,000,000 shall be derived by transfer from the "SPR Decommissioning Fund": Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.
SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: Provided, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,266,000, to remain available until expended: Provided, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: Provided further, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

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

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

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.
No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

[Total, Department of Energy, $1,179,156,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: Provided further, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.
INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $238,958,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: Provided further, That notwithstanding any other provision of law, funds previously or herein...
made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

[Total, Indian Health Service, $1,986,800,000.]

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Indian Education

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

$52,500,000

Other Related Agencies

Office of Navajo and Hopi Indian Relocation

Salaries and Expenses

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $20,345,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected
a replacement residence off the Navajo reservation or on the land

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $311,188,000, of which not to exceed $3,000,000 for voluntary incentive payments and other costs associated with employee separations pursuant to section 339 of this Act shall remain available until expended, and of which not to exceed $30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $33,954,000, to remain available.
until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $27,700,000, to remain available until expended.

[Total, Smithsonian Institution, $376,092,000.]

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,844,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[Total, National Gallery of Art, $58,286,000.]

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,323,000: Provided, That 40 U.S.C. 193n is hereby amended by striking the word “and” after the word “Institution” and inserting in lieu thereof a comma, and by inserting “and the Trustees of
the John F. Kennedy Center for the Performing Arts," after the word "Art,"

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

[Total, John F. Kennedy Center for the Performing Arts, $19,306,000.]

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[Total, National Endowment for the Arts, $99,494,000.]

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.
PUBLIC LAW 104–134—APR. 26, 1996

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,000,000, to remain available until September 30, 1997, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[Total, National Endowment for the Humanities, $110,000,000.]

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

[Total, National Foundation on the Arts and the Humanities, $230,494,000.]

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, $2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.
PUBLIC LAW 104–134—APR. 26, 1996

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum’s repair and rehabilitation program and $1,264,000 for the Museum’s exhibition program shall remain available until expended.

[TOTAL, TITLE II, RELATED AGENCIES, $6,253,370,000.]

TITLE III—GENERAL PROVISIONS

Contracts.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

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

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

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.
SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

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

(b) Sense of Congress; Requirement Regarding Notice.—

(1) Purchase of American-Made Equipment and Products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) Notice to Recipients of Assistance.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsey Labeling Products As Made In America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

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

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

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or
Agriculture follow appropriate reprogramming guidelines. Provided, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.
(B) The Gallery Row project on Square 457.
(C) The Lansburgh's project on Square 431.
(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.
(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

1. To acquire lands, improvements, and properties by purchase, lease, or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

2. To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

3. To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

4. To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

5. To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

6. To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled “Pennsylvania Avenue National Historic Park”, dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor serv-
ices, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

(f) Savings Provisions.—

(1) Regulations.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) Existing Rights, Duties, and Obligations Not Affected.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) Continuation of Suits.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

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(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.''
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SEC. 314. No part of any appropriation contained in this Act shall be obligated or expended to implement regulations or requirements that regulate the use of, or actions occurring on, non-federal lands as a result of the draft or final environmental impact statements or records of decision for the Interior Columbia Basin Ecosystem Management Project. Columbia Basin Ecosystem Management Project records of decision will not provide the legal authority for any new formal rulemaking by any Federal regulatory agency on the use of private property.

SEC. 315. Recreational Fee Demonstration Program.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States
Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.
(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.


(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike “September 30, 1997” and insert in lieu thereof “December 31, 1996”.

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.
SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—
(1) in the first sentence of subsection (e) by striking “shall” and inserting “may”; and
(2) in subsection (f)—
(A) by striking “At the request” and inserting the following:
“(1) EXCHANGES.—At the request”;
(B) by striking “grazing permits” and inserting “grazing permits and grazing leases”; and
(C) by adding after “Federal lands.” the following:
“(2) ACQUISITION BY DONATION.—
(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.
(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.”.

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: Provided, That this section shall expire on September 30, 1996: Provided further, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned:
(1) a patent application was filed with the Secretary on or before September 30, 1994, and
(2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—
(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination.
as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

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

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. (a) For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors’ Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3-2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary’s consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

(b) If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determina-
tion by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

(c) The President is authorized to suspend the provisions of subsections (a) or (b), or both, if he determines that such suspension is appropriate based upon the public interest in sound environmental management, or protection of any cultural, biological, or historic resources. Any suspension by the President shall take effect on the date of execution, and continue in effect for such period, not to extend beyond the period in which this section would otherwise be in effect, as the President may determine, and shall be reported to the Congress prior to public release by the President. If the President suspends the provisions of subsections (a) or (b) or both, then such provisions shall have no legal force or effect during such suspension.

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the “Corporation”), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19858 and Tract No. GC–19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation’s lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: Provided further, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands
covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Sec. 327. Timber Sales Pipeline Restoration Funds.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter “Agriculture Fund” and “Interior Fund” or “Funds”). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of $37,500,000 (hereinafter “excess revenues”) shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: Provided, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within
the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

Sec. 328. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

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

Sec. 329. Delay in Implementation of the Administration's Rangeland Reform Program.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4,
1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

Sec. 330. Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—
   (A) in paragraph (2), by striking “twenty” and inserting “40’’;
   (B) in paragraph (3), by striking “ten” and inserting “20’’;
   (C) in paragraph (4), by striking “if damage exceeding $10,000 to the property of any individual results,” and inserting “if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,”; and
   (D) in paragraph (4), by striking “ten” and inserting “20’’;

(2) in subsection (c) by striking “ten” and inserting “20’’;

(3) in subsection (d), by—
   (A) striking “and” at the end of paragraph (2);
   (B) striking the period at the end of paragraph (3) and inserting “; and”; and
   (C) adding at the end the following:
   “(4) the term ‘avoidance costs’ means costs incurred by any individual for the purpose of—
   “(A) detecting a hazardous or injurious device; or
   “(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).”;
   
(4) by adding at the end thereof the following:
   “(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.”.

Sec. 331. (a) Purposes of National Endowment for the Arts.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) “The arts and humanities belong to all the people of the United States”;

(2) “The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups”;

(3) “Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public

Courts.
money [and] such funding should contribute to public support and confidence in the use of taxpayer funds”; and

(4) “Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines”.

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic Guidelines.
transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under “Salaries and expenses”, Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account “Public development”, Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under “International forestry”, Forest Service are to be offset, as appropriate, by funds made available under this Act under the accounts “Forest research”, “State and private forestry”, “National forest system”, and “Construction” in the Forest Service.

SEC. 339. (a) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganizations, transfer of function, or other similar action, the Secretary of the Smithsonian Institution may pay, or authorize the payment of, voluntary separation incentive payments to Smithsonian Institution employees who separate from Federal service voluntarily through October 1, 1996 (whether by retirement or resignation).

(b) A voluntary separation incentive payment—
(1) shall be paid in a lump sum after the employee's separation in an amount to be determined by the Secretary, but shall not exceed $25,000; and

(2) shall not be a basis for payment, and shall not be included in the computation, of any other type of benefit.

(c)(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with any agency or instrumentality of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the Smithsonian Institution.

(2) The repayment required by paragraph (1) may be waived only by the Secretary.

(d) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Smithsonian shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Smithsonian to whom a voluntary separation incentive payment has been paid.

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1996”.

Approved April 26, 1996.
Net grand total, Department of the Interior and Related Agencies Appropriations Act, 1996 \(^1\) $12,273,770,000

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**NOTE.** In addition to the total in the annual appropriations act, the following amounts are available for the Department of the Interior for fiscal year 1996:

**Permanent appropriations:**
- Federal funds: $1,478,190,000
- Trust funds: $591,939,000

**Appropriations in legislative acts:**
- Federal Agriculture Improvement and Reform Act (Public Law 104–127): $200,000,000
- Energy and Water Development Appropriations Act, 1996:
  - Bureau of Reclamation: $800,203,000
  - Central Utah Project Completion Account: $44,139,000

**Supplemental, Rescissions and Offsets, 1996 (Public Law 104–134):** $166,900,000

Subtotal, additions: $3,281,371,000

**Deduct amounts transferred to Departments of Agriculture, Education, Energy, Health and Human Services, and General Government totals:**
- Department of Agriculture: Forest Service: $2,275,773,000
- Department of Education: Indian Education: $52,500,000
- Department of Energy: $1,179,156,000
- Department of Health and Human Services: Indian Health Services: $1,986,800,000

**General Government:**
- Advisory Council on Historic Preservation: $2,500,000
- Commission of Fine Arts (Including National Capital Arts and Cultural Affairs): $6,834,000
- Franklin Delano Roosevelt Memorial Commission: $147,000
- Institute of American Indian and Alaska Native Culture and Arts Development: $5,500,000
- John F. Kennedy Center for the Performing Arts: $19,306,000
- National Capital Planning Commission: $5,090,000
- National Foundation on the Arts and the Humanities: $230,494,000
- National Gallery of Art: $58,286,000
- Office of Navajo and Hopi Indian Relocation: $20,345,000
- Smithsonian Institution: $376,092,000
- United States Holocaust Memorial Council: $28,707,000
- Woodrow Wilson International Center for Scholars: $5,840,000

Subtotal, deductions: $6,253,370,000

**Plus adjustments:** $20,822,000

**Net total, Department of the Interior:** $9,322,593,000

\(^1\) Consisting of net appropriations of $12,294,592,000 and adjustments of $20,822,000.

\(^2\) Approved in second session of 104th Congress.
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-134
An Act

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

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

SECTION 101(d). For programs, projects or activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 and for other purposes.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,146,278,000 plus reimbursements, of which $3,226,559,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $170,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act,

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.
$69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $850,000,000 shall be for carrying out title II, part A of such Act, $126,672,000 shall be for carrying out title II, part C of such Act and $2,500,000 shall be available for obligation from October 1, 1995 through September 30, 1996 to support short-term training and employment-related activities incurred by the organizer of the 1996 Paralympic Games; Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers; Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes; Provided further, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded; Provided further, That service delivery areas may transfer funding provided herein under authority of titles II-B and II-C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor; Provided further, That service delivery areas and substate areas may transfer funding provided herein under authority of title II-A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor; Provided further, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $290,940,000.
To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $82,060,000.

[Total, $373,000,000.]

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $335,328,000, together with not to exceed $3,102,194,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $133,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU)
for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities; Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the “Federal unemployment benefits and allowances” account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Of the amounts remaining unobligated under this heading as of September 30, 1995, $266,000,000 are hereby rescinded.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,054,000, together with not to exceed $40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Net total, Employment and Training Administration, $5,130,460.
LABOR, HHS, AND EDUCATION APPROPRIATIONS, 1996

110 STAT.

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PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $67,497,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: Provided, That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $265,637,000, together with $1,007,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or

\[\text{\textsuperscript{1}}\] Limitation on trust fund transfer.
any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $996,763,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: Provided, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period

$996,763,000

(transfer funds)

996,763,000

(trust funds)

(indefinite)
subsequent to August 15 of the current year: Provided further, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

[Total, $997,519,000.]

[Net, $756,000.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

For necessary expenses for the Occupational Safety and Health Administration, $304,984,000 including not to exceed $756,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two
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or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $293,181,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $51,278,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $141,047,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds

1 Limitation on trust fund transfer.
made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278, (1995): Provided further, That no funds made available by this Act may be used by the Secretary of Labor after September 12, 1996, to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months, except as otherwise specified herein: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall, if not acted upon by the Board before September 12, 1996, be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, that these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 USC 901 et seq.).

Beginning on September 13, 1996, in any appeal to the Benefits Review Board that has been pending for one year, the petitioner may elect to maintain the proceeding before the Benefits Review Board for a period of 60 days. Such election shall be filed with the Board no later than 30 days prior to the end of the one-year period. If no decision is rendered during this 60-day period, the decision under review shall be considered affirmed by the Board on the last day of such period, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: “: Provided further, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal
year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action.”

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

[Total, Departmental Management, $185,473,000.]

GENERAL PROVISIONS

Sec. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

Sec. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

(TRANSFER OF FUNDS)

Sec. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

Sec. 104. Funds shall be available for carrying out Title IV-B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

This title may be cited as the “Department of Labor Appropriations Act, 1996”.

[Net total, title I, Department of Labor, $7,659,424,000.]

\(^1\) Limitation on trust fund transfer.

\(^2\) Consisting of appropriations of $7,981,724,000 and rescissions of $322,300,000.
For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101-527, and the Native Hawaiian Health Care Act of 1988, as amended, $3,077,857,000, of which $391,700,000 shall be for part A of title XXVI of the Public Health Service Act and $260,847,000 shall be for part B of title XXVI of the Public Health Service Act, and of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: Provided further, That of the funds made available under this heading, $858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104-73: Provided further, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408: Provided further, That the Secretary shall use amounts available for section 2603(b) of the Public Health Service Act as necessary to ensure that fiscal year 1996 grant awards made under section 2603(a) of such Act to eligible areas that received such grants in fiscal year 1995 are not less than 99 percent of the fiscal year 1995 level: Provided further, That funds made available under this heading for activities authorized by part A of title XXVI of the Public Health Service Act are available only for those metropolitan areas previously funded under Public Law 103-333 or with a cumulative total of more than 2,000 cases of AIDS, as reported to the Centers for Disease Control and Prevention as of March 31, 1995, and have a population of 500,000 or more: Provided further, That of the amounts provided for part B of title XXVI AIDS.
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of the Public Health Service Act $52,000,000 shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

[Total, $16,188,000.]

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended. [Total, Vaccine Injury Compensation, $169,721,000.]

[Total, Health Resources and Services Administration, $3,271,766,000.]

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–333, Public Law 103–112, and Public Law 102–394 for immunization activities, $53,000,000 are hereby rescinded: Provided, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate:

1 Limitation on guaranteed loans.
2 Funding provided in P.L. 104–91 (p. 739).
Provided further, That the Congress is to be notified promptly of any such transfer.

**Substance Abuse and Mental Health Services Administration**

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,883,715,000.

**Retirement Pay and Medical Benefits for Commissioned Officers**

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman’s Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents’ Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

**Agency for Health Care Policy and Research**

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $65,186,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $60,124,000.

[Total, Public Health Service, $19,441,286,000.]
PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $1,734,810,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, the $1,734,810,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

[Total, Health Care Financing Administration, $144,562,705,000.]

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)), D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5,
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1 $4,800,000,000

1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $100,000,000 are hereby rescinded.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000 to be available for obligation in the period October 1, 1996 through September 30, 1997: Provided, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

Funds made available in the fourth paragraph under this heading in Public Law 103–333 that remain unobligated as of September 30, 1996 shall remain available until September 30, 1997.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $402,172,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,381,000,000: Provided, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be $2,381,000,000.

1 Advance appropriation, fiscal year 1997.
LABOR, HHS, AND EDUCATION APPROPRIATIONS, 1996

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CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,767,006,000, of which $435,463,000 shall be for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,767,006,000, of which $435,463,000 shall be for making payments under the Community Services Block Grant Act: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes. In addition, $21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103–322. [Total, $4,788,364,000.]

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,322,238,000. [Net total, Administration for Children and Families, $32,367,723,000.]

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $829,393,000, of which $4,449,000 shall be for section 712 and $4,732,000 shall be for section 721: Provided, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans,
and for carrying out titles III, XVII, and XX of the Public Health Service Act, $139,499,000, together with $6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $7,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $36,162,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,153,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

[Total, Office of the Secretary, $223,144,000.]

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to prepare to respond to the health and medical consequences of nuclear, chemical, or biologic attack in the United States, $7,000,000, to remain available until expended and, in addition, for clinical trials, applying imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

Sec. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

Sec. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

Sec. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

1 Limitation on trust fund transfer.
SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.


SEC. 209. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 210. Of the funds provided for the account heading “Disease Control, Research, and Training” in Public Law 104–91, $31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103–322 notwithstanding any provision of Public Law 104–91.

(TRANSFER OF FUNDS)

SEC. 211. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.
SEC. 212. The Director, National Institutes of Health, jointly with the Director, Office of AIDS Research, may transfer up to 3 percent among Institutes, Centers, and the National Library of Medicine from the total amounts identified in the apportionment for each Institute, Center, or the National Library of Medicine for AIDS research: Provided, That such transfers shall be within 30 days of enactment of this Act and be based on the scientific priorities established in the plan developed by the Director, Office of AIDS Research, in accordance with section 2353 of the Act: Provided further, That the Congress is promptly notified of the transfer.

SEC. 213. In fiscal year 1996, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

SEC. 214. (a) Reimbursement of Certain Claims Under the Medicaid Program.—Notwithstanding any other provision of law, and subject to subsection (b), in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of March 1, 1996, (or, if such claims have been deferred as of such date, such claims have not been disallowed by such date), the Secretary shall—

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

(b) Limitation on Rescission or Reimbursement of Claims.—The total amount of payment reductions rescinded or reimbursement of claims allowed under subsection (a) shall not exceed $54,000,000.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 1996”.


\[\text{Net total, title II, Department of Health and Human Services, } \$197,433,251,000.\]

**TITLE III—DEPARTMENT OF EDUCATION**

**EDUCATION REFORM**

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, \$530,000,000, of which \$340,000,000 for the Goals 2000: Educate America Act and \$180,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That notwithstanding section 311(e) of Public Law 103–227, the Secretary

\[1\text{ Consisting of appropriations for fiscal year 1996 of } \$166,577,901,000, \text{ rescission of } \$1,000,000 \text{ and advance appropriations for fiscal year 1997 of } \$30,955,350,000.\]

\[2\text{ Illegible text, probably "the Public Health Service".}\]
is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years: Provided further, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $7,228,116,000, of which $5,913,391,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997 and of which $1,298,386,000 shall become available on October 1, 1996 and shall remain available through September 30, 1997 for academic year 1996-1997: Provided, That $5,985,839,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $677,241,000 shall be available for concentration grants under section 1124(A) and $3,370,000 shall be available for evaluations under section 1501.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $693,000,000, of which $581,707,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $16,293,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV-A-1 and 2, V-A, VI, section 7203, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,223,708,000 of which $1,015,481,000 shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That of the amount appropriated, $275,000,000 shall be for Eisenhower professional development State grants under title II-B and $275,000,000 shall be for innovative education program strategies State grants under title VI-A: Provided further, That not less than $3,000,000 shall be for innovative programs under section 5111.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $178,000,000 of which $50,000,000 shall be for immigrant education programs authorized by part C: Provided, That State
educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: Provided further, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $3,245,447,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997: Provided, That notwithstanding section 621(e), funds made available for section 621 shall be distributed among each of the regional centers and the Federal center in proportion to the amount that each such center received in fiscal year 1995:

Provided further, That the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be considered public or private nonprofit entities or organizations for the purpose of parts C, D, E, F, and G of the Individuals with Disabilities Education Act: Provided further, That, from the funds available under section 611 of the Act, the Secretary shall award grants, for which Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible, to carry out the purposes set forth in section 601(c) of the Act, and that the amount of funds available for such grants shall be equal to the amount that the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau would be eligible to receive if they were considered jurisdictions for the purpose of section 611(e) of the Act: Provided further, That the Secretary shall award grants in accordance with the recommendations of the entity specified in section 1121(b)(2)(A) of the Elementary and Secondary Education Act, including the provision of administrative costs to such entity not to exceed five percent: Provided further, That to be eligible for a competitive award under the Individuals with Disabilities Education Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau must meet the conditions applicable to States under part B of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, and the 1996 Paralympics Games, $2,456,120,000 of which $7,000,000 will be used to support the Paralympics Games: Provided, That $1,000,000 of the funds provided for Special Demonstrations shall be used to continue the two head injury centers that were first funded under this program in fiscal year 1992.
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $42,180,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $77,629,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

[Total, $126,489,000.]

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,340,261,000, of which $4,869,000 shall be for the National Institute for Literacy; and of which $1,337,342,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: Provided, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for national programs under title IV without regard to section 451 and $350,000 shall be for evaluations under section 346(b) of the Act and no funds shall be awarded to a State Council under section 112(f), and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,312,033,000, which shall remain available through September 30, 1997: Provided, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed 3,650,000 Pell Grant recipients in award year 1995–1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,470: Provided, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $4,967,446,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount,
as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION


HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $182,348,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98-480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs.
for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; sections 2102, 3136, 3141 and parts B, C, and D of title III, parts A, B, I, and K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of the Goals 2000: Educate America Act, $351,268,000: Provided, That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: Provided further, That $3,000,000 shall be for the elementary mathematics and science equipment projects under the fund for the improvement of education: Provided further, That funds shall be used to extend star schools partnership projects that received continuation grants in fiscal year 1995: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program: Provided further, That funds for International Education Exchange shall be used to extend the two grants awarded in fiscal year 1995.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, and IV of the Library Services and Construction Act, and title II-B of the Higher Education Act, $132,505,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $2,500,000 shall be for section 222 and $3,000,000 shall be for section 223 of the Higher Education Act: Provided, That $1,000,000 shall be awarded to the Survivors of the Shoah Visual History Foundation to document and archive holocaust survivors' testimony: Provided further, That $1,000,000 shall be for the continued funding of an existing demonstration project making information available for public use by connecting Internet to a multistate consortium: Provided further, That $1,000,000 shall be awarded to the National Museum of Women in the Arts.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of con-
ference rooms in the District of Columbia and hire of two passenger
motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as author-
ized by section 203 of the Department of Education Organization
Act, $55,451,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General,
as authorized by section 212 of the Department of Education
Organization Act, $28,654,000.

HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department
of Education headquarters building, $7,000,000, to remain available
until September 30, 1998.

[Total, Departmental Management, $418,424,000.]

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used
for the transportation of students or teachers (or for the purchase
of equipment for such transportation) in order to overcome racial
imbalance in any school or school system, or for the transportation
of students or teachers (or for the purchase of equipment for such
transportation) in order to carry out a plan of racial desegregation
of any school or school system.

SEC. 302. None of the funds contained in this Act shall be
used to require, directly or indirectly, the transportation of any
student to a school other than the school which is nearest the
student's home, except for a student requiring special education,
to the school offering such special education, in order to comply
with title VI of the Civil Rights Act of 1964. For the purpose
of this section an indirect requirement of transportation of students
includes the transportation of students to carry out a plan involving
the reorganization of the grade structure of schools, the pairing
of schools, or the clustering of schools, or any combination of grade
 restructuring, pairing or clustering. The prohibition described in
this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used
to prevent the implementation of programs of voluntary prayer
and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made
available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds
available under section 458 of the Higher Education Act shall
not exceed $436,000,000 for fiscal year 1996. The Department of
Education shall pay administrative cost allowances owed to guar-
anty agencies for fiscal year 1995 estimated to be $95,000,000
and administrative cost allowances owed to guaranty agencies for
fiscal year 1996 estimated to be $81,000,000. The Department of
Education shall pay administrative cost allowances to guaranty
agencies, to be paid quarterly, calculated on the basis of 0.85
percent of the total principal amount of loans upon which insurance
was issued on or after October 1, 1995 by such guaranty agencies.
Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with both the Chairmen and Ranking Members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 306. (a) From any unobligated funds that are available to the Secretary of Education to carry out sections 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994)

(1) half of the funds shall be available to the Secretary of Education to carry out subsection (c) of this section; and

(2) half of the funds shall be available to the Secretary of Education to carry out subparagraphs (B), (C), and (D) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)), as amended by subsection (b) of this section.

(b) Subparagraph (B) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)) is amended by striking “and in which the agency” and all that follows through “renovation”.

(c)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term “construction” has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary
of Education not later than 30 days after the date of enactment of this Act.

(d) The Secretary of Education shall report to the House and Senate Appropriations Committees on the total amounts available pursuant to subsections (a)(1) and (a)(2) within 30 days of enactment of this Act.

SEC. 307. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 308. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Education in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the “Department of Education Appropriations Act, 1996”.

[TOTAL, TITLE III, DEPARTMENT OF EDUCATION, $25,285,615,000.]

TITLE IV—RELATED AGENCIES

(2) ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers’ and Airmen’s Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,971,000, of which $1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers’ and Airmen’s Home and the United States Naval Home: Provided, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers’ and Airmen’s Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

[TOTAL, $55,971,000.]

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $198,393,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $250,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available

1 Consisting of appropriations for fiscal year 1996 of $23,987,229,000 and advance appropriations for fiscal year 1997 of $1,298,386,000.
2 Department of Defense—Civil.
3 Trust funds.
4 Advance appropriation, fiscal year 1998.
or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

**Federal Mediation and Conciliation Service**

**Salaries and Expenses**

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $32,896,000 including $1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: Provided further, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

**Federal Mine Safety and Health Review Commission**

**Salaries and Expenses**


**National Commission on Libraries and Information Science**

**Salaries and Expenses**

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), $829,000.

**National Council on Disability**

**Salaries and Expenses**

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

**National Education Goals Panel**

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,000,000.
For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $170,743,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $7,837,000.

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

1 Limitation on trust fund transfer.
For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

Total, $655,396,000.

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,545,512,000, to remain available until expended, of which $1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games:

Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $15,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term “continuing disability reviews” has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

Total, $27,820,512,000.

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,267,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections

1 Advance appropriation, fiscal year 1997.
2 Limitation on trust fund transfer.
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LABOR, HHS, AND EDUCATION APPROPRIATIONS, 1996

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: Provided, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997: Provided further, That unobligated balances at the end of fiscal year 1996 not needed for fiscal year 1996 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

In addition to funding already available under this heading, and subject to the same terms and conditions, $387,500,000, for disability caseload processing.

From funds provided under the previous two paragraphs, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $60,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term “continuing disability reviews” has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $167,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

[Total, limitation, $5,881,768,000.]

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

[Total, Social Security Administration, $28,513,365,000.]

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

[Total, $222,000,000.]

1 Limitation on trust fund transfer.
2 Consisting of appropriations for fiscal year 1996 of $19,083,365,000 and advance appropriations for fiscal year 1997 of $9,260,000,000.
3 Less income tax receipts on dual benefits.
FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,169,000, to be derived from the railroad retirement accounts.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,786,000 shall be apportioned for fiscal year 1996 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

[Total, Railroad Retirement Board, $222,300,000.]

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,500,000.

[Total, title IV, Related Agencies, $29,480,927,000.]

TITLE V—GENERAL PROVISIONS

Sec. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Sec. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

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1 Limitation on trust fund transfer.
2 Consisting of appropriations for fiscal year 1996 of $19,800,927,000, advance appropriations for fiscal year 1997 of $9,430,000,000 and advance appropriations for fiscal year 1998 of $250,000,000.
SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for “Salaries and expenses, Federal Mediation and Conciliation Service”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for “Salaries and expenses, National Mediation Board”.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.
Sec. 509. Notwithstanding any other provision of law—
(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act; and
(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and
(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

Sec. 510. Limitation on Use of Funds.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

Sec. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

Sec. 512. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a final default rate determination made by the Secretary under the Federal Family Education Loan or Federal Direct Loan program under parts B and D of such title, respectively, and issued by the Secretary on or after February 14, 1996. The preceding sentence shall not apply to an institution that (1) was not participating in either such loan program on such date (or would not have been participating on such date but for the pendency of an appeal of a default rate determination issued prior to such date) unless the institution subsequently participates in either such loan program; or (2) has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375. No institution may be subject to the terms of this section unless it has had the opportunity to appeal its default rate determination under regulations issued by the Secretary for the FFEL and Federal Direct Loan Programs.

Sec. 513. No more than 1 percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1996, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

1 Distributed.
SEC. 514. (a) High Cost Training Exception.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078-8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: 

"except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.".

(b) Effective Date.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

SEC. 515. Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

"SEC. 245. (a) In General.—The Federal Government, and any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

"(1) the entity refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

"(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

"(3) the entity attends (or attended) a post-graduate physician training program, or any other program of training in the health professions, that does not (or did not) perform induced abortions or require, provide or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

(b) Accreditation of Postgraduate Physician Training Programs.—

"(1) In General.—In determining whether to grant a legal status to a health care entity (including a license or certificate), or to provide such entity with financial assistance, services or other benefits, the Federal Government, or any State or local government that receives Federal financial assistance, shall deem accredited any postgraduate physician training program that would be accredited but for the accrediting agency's reliance upon an accreditation standards that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training, regardless of whether such standard provides exceptions or exemptions. The government involved shall formulate such regulations or other mechanisms,
or enter into such agreements with accrediting agencies, as are necessary to comply with this subsection.

"(2) RULES OF CONSTRUCTION."

"(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

"(B) EXCEPTIONS.—This section shall not—

"(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions; or

"(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals who have voluntarily elected to perform abortions.

"(c) DEFINITIONS. For purposes of this section:

"(1) The term `financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

"(2) The term `health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

"(3) The term `postgraduate physician training program' includes a residency training program.

SEC. 516. SURVEY AND CERTIFICATION OF MEDICARE PROVIDERS.

(a) INTERVALS BETWEEN STANDARD SURVEYS FOR HOME HEALTH AGENCIES.—Section 1891(c)(2)(A) of the Social Security Act (42 U.S.C. 1395bbb(c)(2)(A)) is amended—

(1) by striking “15 months” and inserting “36 months”, and

(2) by amending the second sentence to read as follows: “The Secretary shall establish a frequency for surveys of home health agencies within this 36-month interval commensurate with the need to assure the delivery of quality home health services.”.

(b) RECOGNITION OF ACCREDITATION.—Section 1865 of such Act (42 U.S.C. 1395bb) is amended—

(1) by redesignating subsection (b) as subsection (d),

(2) by redesignating the fourth sentence of subsection (a) as subsection (c), and

(3) by striking the third sentence of subsection (a) and inserting after and below the second sentence the following new subsection:

“(b)(1) In addition, if the Secretary finds that accreditation of a provider entity (as defined in paragraph (4)) by the American Osteopathic Association or any other national accreditation body demonstrates that all of the applicable conditions or requirements of this title (other than the requirements of section 1834(j) or the conditions and requirements under section 1881(b)) are met or exceeded—

"(A) in the case of a provider entity not described in paragraph (3)(B), the Secretary shall treat such entity as meeting
those conditions or requirements with respect to which the Secretary made such finding; or
“(B) in the case of a provider entity described in paragraph (3)(B), the Secretary may treat such entity as meeting those conditions or requirements with respect to which the Secretary made such finding.
“(2) In making such a finding, the Secretary shall consider, among other factors with respect to a national accreditation body, its requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and supplying information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.
“(3)(A) Except as provided in subparagraph (B), not later than 60 days after the date of receipt of a written request for a finding under paragraph (1) (with any documentation necessary to make a determination on the request), the Secretary shall publish a notice identifying the national accreditation body making the request, describing the nature of the request, and providing a period of at least 30 days for the public to comment on the request. The Secretary shall approve or deny a request for such a finding, and shall publish notice of such approval or denial, not later than 210 days after the date of receipt of the request (with such documentation). Such an approval shall be effective with respect to accreditation determinations made on or after such effective date (which may not be later than the date of publication of the approval) as the Secretary specifies in the publication notice.
“(B) The 210-day and 60-day deadlines specified in subparagraph (A) shall not apply in the case of any request for a finding with respect to accreditation of a provider entity to which the conditions and requirements of section 1819 and 1861(j) apply.
“(4) For purposes of this section, the term `provider entity' means a provider of services, supplier, facility, clinic, agency, or laboratory.”.

(c) AUTHORITY FOR VALIDATION SURVEYS.—

(1) IN GENERAL.—The first sentence of section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking “hospitals” and all that follows and inserting “provider entities that, pursuant to subsection (a) or (b)(1) of section 1865, are treated as meeting the conditions or requirements of this title.”.

(2) CONFORMING AMENDMENTS.—Section 1865 of such Act, as amended by subsection (b), is further amended—

(A) in subsection (d), as redesignated by subsection (b)(1)—

(i) by striking “a hospital” and inserting “a provider entity”,

(ii) by striking “the hospital” each place it appears and inserting “the entity”, and

(iii) by striking “the requirements of the numbered paragraphs of section 1861(e)” and inserting “the conditions or requirements the entity has been treated as meeting pursuant to subsection (a) or (b)(1)”; and

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

“(e) For provisions relating to validation surveys of entities that are treated as meeting applicable conditions or requirements of this title pursuant to subsection (a) or (b)(1), see section 1864(c).”.

Effective date.

Publications.
(d) Study and Report on Deeming for Nursing Facilities and Renal Dialysis Facilities.—

(1) Study.—The Secretary of Health and Human Services shall provide for—

(A) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities for compliance with the conditions and requirements of sections 1819 and 1861(j) of the Social Security Act and nursing facilities for compliance with the conditions of section 1919 of such Act, and

(B) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying renal dialysis facilities for compliance with the conditions and requirements of section 1881(b) of the Social Security Act.

(2) Report. Not later than July 1, 1997, the Secretary shall transmit to Congress a report on each of the studies provided for under paragraph (1). The report on the study under paragraph (1)(A) shall include (and the report on the study under paragraph (1)(B) may include) a specific framework, where appropriate, for implementing a process under which facilities covered under the respective study may be deemed to meet applicable Medicare conditions and requirements if they are accredited by a national accreditation body.

SEC. 517. The Secretary of Health and Human Services shall grant a waiver of the requirements set forth in section 1903(m)(2)(A)(ii) of the Social Security Act to D.C. Chartered Health Plan, Inc. of the District of Columbia:

Provided, That such waiver shall be deemed to have been in place for all contract periods from October 1, 1991 through the current contract period or October 1, 1999, whichever shall be later.

SEC. 518. Section 119 of Public Law 104–99 is hereby repealed.

OPTIONAL, ALTERNATIVE MEDICAID PAYMENT METHOD

SEC. 519. (a) Election.—A heavily impacted high-DSH State (as defined in subsection (d)) may elect to receive payments for expenditures under title XIX of the Social Security Act for the period beginning October 1, 1995, and ending June 30, 1996 (in this section referred to as the "9-month period"), for State fiscal year 1996–1997, and (subject to subsection (c)(4)) for State fiscal year 1997–1998 in accordance with the alternative payment method specified in subsection (b) rather than in accordance with section 1903(a) of such Act.

(b) Alternative Payment Method.—

(1) In general.—Under the alternative payment method specified in this subsection—

(A) any percentage otherwise specified in section 1903(a) of the Social Security Act for expenditures in the 9-month period or a State fiscal year for which the election is in effect shall be equal to 100 percent minus the non-Federal participation percentage (specified under paragraph (2)) for the State for that period or State fiscal year, and

(B) the total payment for the 9-month period or a State fiscal year in which the election is in effect may not exceed the maximum Federal financial participation specified in paragraph (5) for the period or year.
In applying subparagraph (B), there shall not be counted as payments for any period or fiscal year any payment that is attributable to an expenditure which is exempt under subsection (c)(1). In applying such subparagraph to the 9-month period, there shall be counted payments (other than those described in the previous sentence) that are attributable to an expenditure for periods occurring in the 9-month period and before the date of the enactment of this Act.

(2) NON-FEDERAL PARTICIPATION PERCENTAGE.—For purposes of paragraph (1), the “non-Federal participation percentage” for a State for the 9-month period or State fiscal year is equal to the ratio of—

(A) the State's base State expenditures (as defined in paragraph (3)) plus the applicable percentage (as defined in paragraph (4)) of the difference between the amount of such expenditures and the amount of the State expenditures that would be required for the State to qualify for the maximum Federal financial participation specified in paragraph (5) under title XIX of the Social Security Act if this section did not apply for such period or State fiscal year; to

(B) the total expenditures under the State plan of the State under such title for such period or State fiscal year.

Such ratio shall be calculated as if total expenditures under the State plan were no greater than necessary for the State to receive the maximum Federal financial participation specified in paragraph (5).

(3) BASE STATE EXPENDITURES.—For purposes of this subsection, the term “base State expenditures” means—

(A) for the 9-month period, $266,250,000, or

(B) for State fiscal year 1996–1997, $355,000,000, or

(C) for State fiscal year 1997–1998, $355,000,000.

(4) APPLICABLE PERCENTAGE.—For purposes of this subsection, the “applicable percentage”—

(A) for the 9-month period is 20 percent,

(B) for State fiscal year 1996–1997 is 35 percent, and

(C) for State fiscal year 1997–1998 is 55 percent.

(5) MAXIMUM FEDERAL PARTICIPATION.—For purposes of this section, the maximum Federal financial participation specified in this paragraph for a State—

(A) for the 9-month period, is $1,966,500,000

(B) for State fiscal year 1996–1997 is $2,622,000,000, and

(C) for State fiscal year 1997–1998 is $2,622,000,000.

(c) ADDITIONAL RULES.—

(1) LIMITING APPLICATION TO EXPENDITURES FOR PERIODS IN WHICH ELECTION IN EFFECT.—This section (and the maximum Federal financial participation specified in subsection (b)(5)) shall not apply to any expenditure that is applicable to a reporting period that is not covered under an election under subsection (a), including any expenditure applicable to any reporting period before October 1, 1995.

(2) ELECTION PROCESS.—An election of a State under subsection (a) shall be made, by notice from the Governor of the State to the Secretary of Health and Human Services,
(3) LIMITATION.—For any period (on or after the date of an election under this section) in which an election is in effect for a State under this section—

(A) the Federal Government has no obligation to provide payment with respect to items and services provided under title XIX of the Social Security Act in excess of the maximum Federal financial participation specified in subsection (b)(5) and such title shall not be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of services; and

(B) the State shall provide an entitlement to any person to receive any service or other benefit to the extent that such person would, but for this paragraph, be entitled to such service or other benefit under such title.

(4) CONDITION FOR STATE FISCAL YEAR 1997±1998.—This section shall not apply to State fiscal year 1997±1998 except to the extent provided for in a subsequent appropriation Act.

(d) DEFINITION.—For purposes of this section, the term “heavily impacted high-DSH State” means the State of Louisiana.

(e) STATE FISCAL YEARS DEFINED.—For purposes of this section—

(1) the term “State fiscal year 1996–1997” means the period beginning July 1, 1996, and ending June 30, 1997, and


SEC. 520. (a) Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States; and

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved.

(b) The Secretary of Health and Human Services shall do the following:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.
(c) For purposes of this section the term “female genital mutilation” means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(d) The Secretary of Health and Human Services shall commence carrying out this section not later than 90 days after the date of enactment of this Act.

TITLE VI—ADDITIONAL APPROPRIATIONS

Sec. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, “Program Management,” $396,000,000; and Office of the Secretary, “Office of Inspector General,” $22,330,000, together with not to exceed $20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

Sec. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

TITLE VII—AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

Sec. 701. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) by repealing part B of title II (20 U.S.C. 5841 et seq.);
(2) by redesignating parts C and D of title II (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively, of title II; and
(3) in section 241 (20 U.S.C. 5871)—
(A) in subsection (a), by striking “(a) NATIONAL EDUCATION GOALS PANEL—“;
(B) by striking subsections (b) through (d).

Sec. 702. STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT.

(a) Panel Composition; Opportunity-To-Learn Standards; and Submission of Plan to the Secretary for Approval.—

(1) State improvement plan.—Section 306 of the Goals 2000: Educate America Act (20 U.S.C. 5886) is amended—
(A) by amending subsection (b) to read as follows:
(b) PLAN DEVELOPMENT.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor.”;
(B) by striking subsection (d).

(b) Local Panel Composition.—Section 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking “that—” and inserting a semicolon; and
(2) by striking clauses (i) and (ii).
SEC. 703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking “PART C” and inserting “PART B”; and

(C) by striking “PART D” and inserting “PART C”.

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting “and” after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking “voluntary national student performance” and all that follows through “such Council” and inserting “and voluntary national student performance standards”.

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking “student performance, or opportunity-to-learn” and inserting “or student performance”.

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

“(2) review voluntary national content standards and voluntary national student performance standards;”;

and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting “and” after the semicolon;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking “voluntary national opportunity-to-learn standards,”; and

(B) by striking “described in section 213(f)”.

(8) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C).
(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking "State opportunity-to-learn standards or strategies."

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—
(A) in subsection (b)(2)—
(i) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards;"; and
(ii) in subparagraph (A), by striking "including—"
and all that follows through "part B of title II;"
and inserting "including through consortia of States;"; and
(B) in subsection (c), by striking "306(b)(1)" and inserting "306(b)".

(11) For the purpose of expanding the use and availability of computers and computer technology, section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii)) is amended by inserting after "new public schools" the following "and the acquisition of technology and use of technology-enhanced curricula and instruction"

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—
(A) by striking paragraph (1); and
(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and".

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—
(A) in subsection (b)—
(i) in paragraph (1)(C), by striking ", including the requirements for timetables for opportunity-to-learn standards;"
(ii) by striking paragraph (2);
(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;
(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";
(v) in paragraph (2) (as redesignated by clause (iii))—
(I) by striking subparagraph (A);
(II) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and
(III) in subparagraph (A) (as redesignated by subclause (II)) by striking ", voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards;"
(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking "paragraph (5)," and inserting "paragraph (4),"; and
(vii) in paragraph (4) (as redesignated by clause (ii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";
(B) in the matter preceding subparagraph (A) of subsection (c)(2)—
   (i) by striking “subsection (b)(4)” and inserting “subsection (b)(3)”; and
   (ii) by striking “and to provide a framework for the implementation of opportunity-to-learn standards or strategies”; and
(C) in subsection (f), by striking “subsection (b)(4)” each place it appears and inserting “subsection (b)(3)”.
(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.
(B) The table of contents for such Act is amended by striking the item relating to section 316.
(16) Section 317 of such Act (20 U.S.C. 5897) is amended—
   (A) in subsection (d)(4), by striking “promote the standards and strategies described in section 306(d),”; and
   (B) in subsection (e)—
      (i) in paragraph (2), by inserting “and” after the semicolon;
      (ii) by striking paragraph (3); and
      (iii) by redesignating paragraph (4) as paragraph (3).
(17) Section 503 of such Act (20 U.S.C. 5933) is amended—
   (A) in subsection (b)—
      (i) in paragraph (1)—
         (I) in the matter preceding subparagraph (A), by striking “28” and inserting “27”;
         (II) by striking subparagraph (D); and
         (III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;
      (ii) in paragraphs (2), (3), and (5), by striking “subparagraphs (E), (F), and (G)” each place it appears and inserting “subparagraphs (D), (E), and (F)”;
      (iii) in paragraph (2), by striking “subparagraph (G)” and inserting “subparagraph (F)”;
      (iv) in paragraph (4), by striking “(C), and (D)” and inserting “and (C)”;
      (v) in the matter preceding subparagraph (A) of paragraph (5), by striking “subparagraph (E), (F), or (G)” and inserting “subparagraph (D), (E), or (F)”;
   and
   (B) in subsection (e)—
      (i) in paragraph (1)(B), by striking “subparagraph (E)” and inserting “subparagraph (D)”;
      (ii) in paragraph (2), by striking “subparagraphs (E), (F), and (G)” and inserting “subparagraphs (D), (E), and (F)”.
(18) Section 504 of such Act (20 U.S.C. 5934) is amended—
   (A) by striking subsection (f); and
   (B) by redesignating subsection (g) as subsection (f).
(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—
(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—
   (A) in subsection (b)(8)(B), by striking “(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)”;
   (B) in subsection (f), by striking “opportunity-to-learn standards or strategies,”;
SEC. 704. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 304 of the Goals 2000: Educate America Act (20 U.S.C. 5884) is amended by adding at the end the following new subsection:

“(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Notwithstanding subsection (c), if a State educational agency was not participating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

“(2) APPLICATION.—Any local educational agency that desires to receive a grant under this subsection shall submit
an application to the Secretary that is consistent with the provisions of this Act and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

“(3) AWARD BASIS.—The Secretary may use the student enrollment of a local educational agency or other factors as a basis for awarding grants under this subsection.”

SEC. 705. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS.

(a) STATE IMPROVEMENT PLANS.—Section 306(n) of the Goals 2000: Educate America Act (20 U.S.C. 5886(n)) is amended by adding at the end the following new paragraph:

“(4) ALTERNATIVE SUBMISSION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, any State educational agency that wishes to receive an allotment under this title after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 305(c)(2), or submitting major amendments to the Secretary under subsection (p), provide the Secretary, as part of an application under section 305(c) or as an amendment to a previously approved application—

“(i) an assurance, from the Governor and the chief State school officer of the State, that—

“(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

“(II) any amendments the State makes to the plan will meet the requirements of this section; and

“(ii) the State’s benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which the State’s progress in carrying out the plan can be measured.

“(B) ANNUAL REPORT.—Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this title by the State and local educational agencies in the State, as well as the State’s progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii).”.

(b) STATE APPLICATIONS.—Section 305(c)(2) of such Act (20 U.S.C. 5885(c)(2)) is amended by inserting “except in the case of a State educational agency submitting the information described in section 306(n)(4),” before “include”.

(c) SECRETARY’S REVIEW OF APPLICATIONS.—Section 307(b)(1) of such Act (20 U.S.C. 5887(b)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking “and” after the semicolon and inserting “or”; and

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

“(C) the State educational agency has submitted the information described in section 306(n)(4); and”.
(d) **Progress Reports.**—The matter preceding paragraph (1) of section 312(a) of such Act (20 U.S.C. 5892(a)) is amended by striking “Each” and inserting “Except in the case of a State educational agency submitting the information described in section 306(n)(4), each”.

**SEC. 706. Limitations.**

Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.) is further amended by adding at the end the following new section:

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20 USC 5900.

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SEC. 320. Limitations.
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“(a) **Prohibited Conditions.**—Nothing in this Act shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this title—

“(1) to provide outcomes-based education; or

“(2) to provide school-based health clinics or any other health or social service.

“(b) **Limitation on Government Officials.**—Nothing in this Act shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this Act.”

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996”.

Approved April 26, 1996.

**Legislative History—**H.R. 3019 (S. 1594):

House Reports: No. 104–537 (Comm. of Conference).

Senate Reports: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

Congressional Record, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.


Apr. 26, Presidential statement.

**H.R. 2127**


Floor action: None
Net grand total, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996: $266,269,182,000

Appropriations, fiscal year 1996: $224,757,764,000
Rescissions: $422,300,000
Advance appropriations, fiscal year 1997: $41,683,736,000
Advance appropriations, fiscal year 1998: $250,000,000
Limitation on trust funds: $11,546,926,000
Limitation on guaranteed loans: $567,000,000

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Departments of Labor, Health and Human Services, and Education and for the Social Security Administration for fiscal year 1996:

Permanent appropriations:
Federal funds:
- Department of Education: $4,267,802,000
- Department of Health and Human Services: $4,341,667,000
- Department of Labor: $19,948,000
- Social Security Administration: $6,683,000,000

Trust funds:
- Department of Health and Human Services: $198,512,322,000
- Department of Labor: $27,442,300,000
- Social Security Administration: $356,316,892,000

Appropriations in legislative acts:
Personal Responsibility and Work Opportunity Reconciliation Act (Public Law 104-193): $46,000,000
Department of Health and Human Services:
- Family support payments to States, Federal funds: $46,000,000
- Payments to States for foster care and adoption assistance, Federal funds: $6,000,000
Advance appropriations for fiscal year 1996 made during previous session of Congress: $27,047,717,000
Department of Health and Human Services:
- Grants to States for Medicaid: $27,047,717,000
- Administration for Children and Families:
- Family support payments to States: $4,400,000,000
- Low income home energy assistance: $1,319,204,000
Social Security Administration:
- Special benefits for disabled coal miners: $180,000,000
- Supplemental security income program: $7,060,000,000
Disaster Assistance Supplemental, 1995 (Public Law 104-19):
Department of Health and Human Services:
- Low income home energy assistance (rescission): $319,204,000

Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1996:
Department of Health and Human Services:
- Food and Drug Administration: $878,415,000
- Department of Health and Human Services:
- Office of Consumer Affairs: $1,800,000

Department of the Interior and Related Agencies Appropriations Act, 1996:
Department of Education:
- Indian Education: $52,500,000
- Department of Health and Human Services:
- Indian Health Service: $1,986,800,000

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996:
- Supplemental, Rescissions and Offsets, 1996 (Public Law 104-134):
  - Department of Education (rescission): $53,446,000
  - Department of Health and Human Services (offset): $10,000,000

Net subtotal, additions: $640,179,717,000

1 Consisting of net total appropriations $259,828,717,000 and adjustments of $6,440,465,000 including $6,507,548,000 for trust funds considered budget authority.
2 Approved in second session of 104th Congress.
Deduct advance appropriations for fiscal year 1997 and 1998 and amounts transferred to Department of Defense—Civil functions and General Government totals and adjustments:

### Advance appropriations for fiscal year 1997:
- **Department of Education:**
  - Education for the disadvantaged: $1,298,386,000
- **Department of Health and Human Services:**
  - Health Care financing Administration: Grants to States for Medicaid: $26,155,350,000
  - Administration for Children and Families: Family support payments to States: $4,800,000,000
- **Social Security Administration:**
  - Special benefits for disabled coal miners: $170,000,000
  - Supplemental security income program: $9,260,000,000

### Advance appropriations for fiscal year 1998:
- **Corporation for Public Broadcasting:** $250,000,000
- **Department of Defense—Civil:**
  - Armed Forces Retirement Home: $55,869,000
- **General Government:**
  - Corporation for National and Community Service: $198,393,000
  - Federal Mediation and Conciliation Service: $32,896,000
  - Federal Mine Safety and Health Review Commission: $6,200,000
  - National Commission on Libraries and Information Science: $829,000
  - National Council on Disability: $1,793,000
  - National Education Goals Panel: $1,000,000
  - National Labor Relations Board: $170,743,000
  - National Mediation Board: $7,837,000
  - Occupational Safety and Health Review Commission: $8,100,000
  - Railroad Retirement Board: $222,147,000
  - United States Institute of Peace: $11,500,000
  - 1% cap on performance awards: $-632,000

Net subtotal, deductions: $-42,650,411,000
Less adjustments: $-6,440,465,000
Net total: $857,358,023,000

Consisting of:
- Department of Education (net): $28,252,662,000
- Department of Health and Human Services (net): $404,672,651,000
- Department of Labor (net): $35,118,634,000
- Social Security Administration: $389,314,076,000
LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-53
An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

$56,000

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000. [Total, Expense allowances, $86,000.]

$30,000

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,727,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

$1,513,000 For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

$325,000 For the Office of the President Pro Tempore, $325,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

$2,195,000 For Offices of the Majority and Minority Leaders, $2,195,000.
For Offices of the Majority and Minority Whips, $656,000.

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $360,000.

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

For Office of the Chaplain, $192,000.

For Office of the Secretary, $12,128,000.

For Office of the Sergeant at Arms and Doorkeeper, $31,889,000.

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,047,000.

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,550,000.

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

Contingent Expenses of the Senate

Inquiries and Investigations

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $66,395,000.

Expenses of the United States Senate Caucus on International Narcotics Control

For expenses of the United States Senate Caucus on International Narcotics Control, $305,000.

Secretary of the Senate

For expenses of the Office of the Secretary of the Senate, $1,266,000.

Sergeant at Arms and Doorkeeper of the Senate

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $61,347,000.

Miscellaneous Items

For miscellaneous items, $6,644,000.

Senators’ Official Personnel and Office Expense Account

For Senators’ Official Personnel and Office Expense Account, $204,029,000.

Office of Senate Fair Employment Practices

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

Settlements and Awards Reserve

For expenses for settlements and awards, $1,000,000, to remain available until expended.

Stationery (Revolving Fund)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.
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OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $11,000,000.

[Total, Contingent expenses of the Senate, $352,777,000.]

RESCISSION

Of the funds previously appropriated under the heading “SENATE”, $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS


(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the “Office of the Chaplain Expense Revolving Fund” (hereafter referred to as the “fund”). The fund shall consist of all moneys collected or received with respect to the Office of the Chaplain of the Senate.

(b) The fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate, not to exceed $10,000 in any fiscal year, for the payment of official expenses incurred by the Chaplain of the Senate. In addition, moneys in the fund may be used to purchase food or food related items. The fund shall not be available for the payment of salaries.

(c) All moneys (including donated moneys) received or collected with respect to the Office of the Chaplain of the Senate shall be deposited in the fund and shall be available for purposes of this section.

(d) Disbursements from the fund shall be made on vouchers approved by the Chaplain of the Senate.

SEC. 3. Funds appropriated under the heading, “Settlements and Awards Reserve” in Public Law 103–283 shall remain available until expended.

SEC. 4. Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b–6) is amended by striking the second sentence and inserting the following: “The amounts so withheld shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b–7).”.

SEC. 5. (a) Any payment for local and long distance telecommunications service provided to any user by the Sergeant at Arms and Doorkeeper of the Senate shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice ends.

(b) As used in subsection (a), the term “user” means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms and Doorkeeper of the Senate.
SEC. 6. Section 4(b) of Public Law 103–283 is amended by inserting before “collected” the following: “(including donated monies).”

SEC. 7. Section 1 of Public Law 101–520 (2 U.S.C. 61g–6a) is amended to read as follows:

“SECTION 1. (a)(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

“(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

“(b)(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

“(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

“(c) Any funds transferred under this section shall be—

“(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

“(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

“(d) The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.”

(b) The amendment made by this section shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.

[Net total Senate, $364,374,276.]

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $671,561,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,271,000, including: Office of the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,470,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,480,000, including $10,000 for official expenses of the Minority Leader; Office of the
Majority Whip, including the Chief Deputy Majority Whip, $928,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $918,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,083,000; Democratic Steering and Policy Committee, $1,181,000; Democratic Caucus, $566,000; and nine minority employees, $1,127,000.

$11,271,000

Members’ Representational Allowances

Including Members’ Clerk Hire, Official Expenses of Members, and Official Mail

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, $360,503,000: Provided, That no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

$360,503,000

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $78,629,000.

78,629,000

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed. [Subtotal, Committee employees, $95,574,000.]

$16,945,000

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $83,733,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $13,807,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not to exceed $750 for official representation and reception expenses, $3,410,000; for salaries and expenses of the Office of the Chief Administrative Officer, $53,556,000, including salaries, expenses and temporary personal services of House Information Resources, $27,500,000, of which $16,000,000 is provided herein: Provided, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; for salaries and expenses of the Office of Compliance, $858,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the
Parliamentarian and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,524,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $120,480,000, including: supplies, materials, administrative costs and Federal tort claims, $1,213,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursements, $68,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $658,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

[Total, Salaries and expenses, $671,561,000.]

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, establishing the Speaker's Office for Legislative Floor Activities; House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 9, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing amounts for the Republican Steering Committee and the Democratic Policy Committee; House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the...
transfer of two employee positions; and House Resolution 113, One
Hundred Fourth Congress, agreed to March 10, 1995, providing
for the transfer of certain employee positions shall each be the
permanent law with respect thereto.

Sec. 104. (a) The five statutory positions specified in subsection
(b), subsection (c), and subsection (d) are transferred from the
House Republican Conference to the Republican Steering Commit-
tee.

(b) The first two of the five positions referred to in subsection
(a) are—

(1) the position established for the chief deputy majority
whip by subsection (a) of the first section of House Resolution
393, Ninety-fifth Congress, agreed to March 31, 1977, as
enacted into permanent law by section 115 of the Legislative
Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(2) the position established for the chief deputy majority
whip by section 102(a)(4) of the Legislative Branch Appropria-
tion Acts, 1990;

both of which positions were transferred to the majority leader
by House Resolution 10, One Hundred Fourth Congress, agreed
to January 5 (legislative day, January 4), 1995, as enacted into
permanent law by section 103 of this Act, and both of which posi-
tions were further transferred to the House Republican Conference
by House Resolution 113, One Hundred Fourth Congress, agreed
to March 10, 1995, as enacted into permanent law by section
103 of this Act.

(c) The second two of the five positions referred to in subsection
(a) are the two positions established by section 103(a)(2) of the
Legislative Branch Appropriations Act, 1986.

(d) The fifth of the five positions referred to in subsection
(a) is the position for the House Republican Conference established
by House Resolution 625, Eighty-ninth Congress, agreed to October
22, 1965, as enacted into permanent law by section 103 of the
Legislative Branch Appropriation Act, 1967.

(e) The transfers under this section shall take effect on the
date of the enactment of this Act.

Sec. 105. (a) Notwithstanding any other provision of law, or
any rule, regulation, or other authority, travel for studies and
examinations under section 202(b) of the Legislative Reorganization
Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws
or regulations of the House of Representatives or as promulgated
from time to time by the Chairman of the Committee on Appropri-
ations of the House of Representatives.

(b) Subsection (a) shall take effect on the date of the enactment
of this Act and shall apply to travel performed on or after that
date.

Sec. 106. (a) Notwithstanding the paragraph under the heading
"GENERAL PROVISION" in chapter XI of the Third Supplemental
Appropriation Act, 1957 (2 U.S.C. 102a) or any other provision
of law, effective on the date of the enactment of this section,
unexpended balances in accounts described in subsection (b) are
withdrawn, with unpaid obligations to be liquidated in the manner
provided in the second sentence of that paragraph.

(b) The accounts referred to in subsection (a) are the House
of Representatives legislative service organization revolving
accounts under section 311 of the Legislative Branch Appropriations
SEC. 107. (a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriations Acts.

(b) The funds and accounts referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93-554; 88 Stat. 1776);

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP" in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91-145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note); and

(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 107A. For fiscal year 1996, subject to the direction of the Committee on House Oversight of the House of Representatives, of the total amount deposited in the account referred to in section 107(b)(3) of this Act from vending operations of the House of Representatives Restaurant System, the cost of goods sold shall be available to pay the cost of inventory for such operations.

SEC. 108. The House Employees Position Classification Act (2 U.S.C. 291, et seq.) is amended—

(1) in section 3(1), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(2) in the first sentence of section 4(b), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(3) in section 5(b)(1), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General"; and

(4) in the first sentence of section 5(c), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General".

SEC. 109. (a) Upon the approval of the appropriate employing authority, an employee of the House of Representatives who is separated from employment, may be paid a lump sum for the accrued annual leave of the employee. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;
(2) shall be paid—
(A) for clerk hire employees, from the clerk hire allowance of the Member;
(B) for committee employees, from amounts appropriated for committees; and
(C) for other employees, from amounts appropriated to the employing authority; and
(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term "employee of the House of Representatives" means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, the allowances for office personnel and equipment for certain Members of the House of Representatives, as adjusted through the day before the date of the enactment of this Act, are further adjusted as specified in paragraph (2).

(2) The further adjustments referred to in paragraph (1) are as follows:
(A) The allowance for the majority leader is increased by $167,532.
(B) The allowance for the majority whip is decreased by $167,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives allowances referred to in paragraph (2), as adjusted through the day before the date of the enactment of this Act, are further adjusted, or are established, as the case may be, as specified in paragraph (2).

(2) The further adjustments and the establishment referred to in paragraph (1) are as follows:
(A) The allowance for the Republican Conference is increased by $134,491.
(B) The allowance for the Republican Steering Committee is established at $66,995.
(C) The allowance for the Democratic Steering and Policy Committee is increased by $201,430.
(D) The allowance for the Democratic Caucus is increased by $56.

[Total, House of Representatives, $671,561,000.]

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE
For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING
For salaries and expenses of the Joint Committee on Printing, $750,000, to be disbursed by the Secretary of the Senate.
For salaries and expenses of the Joint Committee on Taxation, $5,116,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

**Office of the Attending Physician**

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $852,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,260,000, to be disbursed by the Clerk of the House.

**Capitol Police Board**

**Capitol Police**

**Salaries**

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $70,132,000, of which $34,213,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

**General Expenses**

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,560,000, to be disbursed by the Clerk.
of the House of Representatives: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1996 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 111. Amounts appropriated for fiscal year 1996 for the Capitol Police Board under the heading “CAPITOL POLICE” may be transferred between the headings “SALARIES” and “GENERAL EXPENSES”, upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

[Total, Capitol police, $72,692,000.]

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than forty individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ADMINISTRATIVE PROVISION

SEC. 112. Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e), is amended—

(1) by striking out “Clerk” and inserting in lieu thereof “Sergeant at Arms”; and

(2) by striking out “Librarian of Congress” and inserting in lieu thereof “Architect of the Capitol”.

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000, of which $500,000 shall be transferred from the amount provided for salaries and expenses of the Office of Compliance under the headings “HOUSE OF REPRESENTATIVES”, “Salaries and Expenses”, and “Salaries, Officers and Employees”.

[Total, Joint items, $86,839,000.]
For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee’s date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as Federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,288,000: Provided, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: Provided further, That
none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 232 full-time equivalent positions: Provided further, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: Provided further, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

ADMINISTRATIVE PROVISION

SEC. 115. Section 8402(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

“(7) The Director of the Congressional Budget Office may exclude from the operation of this chapter an employee under the Congressional Budget Office whose employment is temporary or intermittent.”.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,569,000.

$8,569,000

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

20,000

40 USC 166a.

(limitation)

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

100,000

[Total, Office of the Architect of the Capitol, $8,669,000.]

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $22,882,000, of which $2,950,000 shall remain avail-
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Flags. 40 USC 166g.


able until expended: Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,143,000, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $41,757,000, of which $4,850,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $33,001,000, of which $5,261,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $31,518,000: Provided, That not to exceed $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1996.

[Total, Capitol buildings and grounds, $134,301,000.]
[Total, Architect of the Capitol, $142,970,000.]

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $60,084,000: Provided, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except
the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate. Provided further, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $83,770,000: Provided, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the “Congressional Operations Appropriations Act, 1996”.

[Net total, title I, Congressional operations, $1,440,001,276.]

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

Salaries and Expenses

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,053,000.

ADMINISTRATIVE PROVISIONS

Sec. 201. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking out “$6,000,000” each place it appears and inserting in lieu thereof “$10,000,000”.

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out “plans” and inserting in lieu thereof “plants”.

2 USC 166 note.
For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $211,664,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections. [Total, $203,795,000.]

COPYRIGHT OFFICE

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $30,818,000, of which not more than $16,840,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under 17 U.S.C. 708(c), and not more than $2,990,000 shall be derived from collections during fiscal year 1996 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than $19,830,000: Provided further, That up to $100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute. [Total, $10,988,000.]

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,951,000, of which $11,694,000 shall remain available until expended.
FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000, of which $943,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

Sec. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

Sec. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—
(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and
(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.
(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

Sec. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—
(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or
(2) in the case of an advance payment, only—
(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or
(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

Sec. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

Sec. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

Sec. 207. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed $99,412,000
for reimbursable and revolving fund activities, and $6,812,000 for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act, obligational authority under the heading “Library of Congress” for activities in support of parliamentary development is prohibited, except for Russia, Ukraine, Albania, Slovakia, and Romania, for other than incidental purposes.

SEC. 209. (a) The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) As used in this section, the term “legislative information” means information, prepared within the legislative branch, consisting of the text of publicly available bills, amendments, committee hearings, and committee reports, the text of the Congressional Record, data relating to bill status, data relating to legislative activity, and other similar public information that is directly related to the legislative process.

(c) Pursuant to the plan approved under subsection (d) and consistent with the provisions of any other law, the Library of Congress or the entity designated by that plan shall develop and maintain, in coordination with other appropriate entities of the legislative branch, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103-517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives. The Library shall provide these committees with regular status reports on the development of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives as well as the Committee on Rules and Administration of the Senate, and the Committee on House Oversight of the House of Representatives for their consideration and possible action.

[Total, Library of Congress (except CRS), $264,616,000.]

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $12,428,000, of which $3,710,000 shall remain available until expended.
For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $30,307,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: Provided further, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1994 and 1995 to depository and other designated libraries.

ADMINISTRATIVE PROVISION

Sec. 210. The fiscal year 1997 budget submission of the Public Printer to the Congress for the Government Printing Office shall include appropriations requests and recommendations to the Congress that—

(1) are consistent with the strategic plan included in the technological study performed by the Public Printer pursuant to Senate Report 104–114;

(2) assure substantial progress toward maximum use of electronic information dissemination technologies by all departments, agencies, and other entities of the Government with respect to the Depository Library Program and information dissemination generally; and

(3) are formulated so as to require that any department, agency, or other entity of the Government that does not make such progress shall bear from its own resources the cost of its information dissemination by other than electronic means.

Government Printing Office Revolving Fund

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level
V of the Executive Schedule (5 U.S.C. 5316): Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,800 workyears by the end of fiscal year 1996: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development— or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $374,406,000: Provided, That not more than $400,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1996: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $8,000,000 of such funds shall be available for use in fiscal year 1996: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to
any appropriation from which costs involved are initially financed:
Provided further, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

**Administrative Provisions**

**Sec. 211.** (a) Effective June 30, 1996, the functions of the Comptroller General identified in subsection (b) are transferred to the Director of the Office of Management and Budget, contingent upon the additional transfer to the Office of Management and Budget of such personnel, budget authority, records, and property of the General Accounting Office relating to such functions as the Comptroller General and the Director jointly determine to be necessary. The Director may delegate any such function, in whole or in part, to any other agency or agencies if the Director determines that such delegation would be cost-effective or otherwise in the public interest, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the preceding sentence that relate to the delegated functions. Personnel transferred pursuant to this provision shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

(b) The following provisions of the United States Code contain the functions to be transferred pursuant to subsection (a): sections 5564 and 5583 of title 5; sections 2312, 2575, 2733, 2734, 2771, 4712, and 9712 of title 10; sections 1626 and 4195 of title 22; section 420 of title 24; sections 2414 and 2517 of title 28; sections 1304, 3702, 3726, and 3728 of title 31; sections 714 and 715 of title 32; section 554 of title 37; section 5122 of title 38; and section 256a of title 41.

**Sec. 212.** (a) Section 732 of title 31, United States Code, is amended by adding a new subsection (h) as follows:

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(h) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, United States Code, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which give due effect to tenure of employment, military preference, performance and/or contributions to the agency's goals and objectives, and length of service. The regulations shall, to the extent deemed feasible by the Comptroller General, be designed to minimize disruption to the Office and to assist in promoting the efficiency of the Office.''
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**Sec. 213.** Section 753 of title 31, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively;
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(2) by inserting after subsection (a) a new subsection (b)
as follows:

“(b) The Board has no authority to issue a stay of any reduction
in force action.”; and

(3) in the second sentence of subsection (c), as redesignated,
by striking “(c)” and inserting “(d)”.

[Totals, title II, Other agencies, $374,406,000.]

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall
be used for the maintenance or care of private vehicles, except
for emergency assistance and cleaning as may be provided under
regulations relating to parking facilities for the House of Representa-
tives issued by the Committee on House Oversight and for the
Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act
shall remain available for obligation beyond the current fiscal year
unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically estab-
lished by the Legislative Pay Act of 1929 is appropriated for herein
or whenever the rate of compensation or designation of any position
appropriated for herein is different from that specifically established
for such position by such Act, the rate of compensation and the
designation of the position, or either, appropriated for or provided
herein, shall be the permanent law with respect thereto:
Provided, That the provisions herein for the various items of official expenses
of Members, officers, and committees of the Senate and House
of Representatives, and clerk hire for Senators and Members of
the House of Representatives shall be the permanent law with
respect thereto.

SEC. 304. The expenditure of any appropriation under this
Act for any consulting service through procurement contract, pursuant
to 5 U.S.C. 3109, shall be limited to those contracts where
such expenditures are a matter of public record and available
for public inspection, except where otherwise provided under exist-
ing law, or under existing Executive order issued pursuant to exist-
ing law.

SEC. 305. (a) It is the sense of the Congress that, to the
greatest extent practicable, all equipment and products purchased
with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any
contract with, any entity using funds made available in this Act,
the head of each Federal agency, to the greatest extent practicable,
shall provide to such entity a notice describing the statement made
in subsection (a) by the Congress.

SEC. 306. (a) Upon approval of the Committee on Appropriations
of the House of Representatives, and in accordance with conditions
determined by the Committee on House Oversight, positions in
connection with House parking activities and related funding shall
be transferred from the appropriation “Architect of the Capitol,
Capitol buildings and grounds, House office buildings” to the appro-
priation “House of Representatives, salaries, officers and employees,
Office of the Sergeant at Arms”:
Provided, That the position of
Superintendent of Garages shall be subject to authorization in
annual appropriations Acts.

(b) For purposes of section 8339(m) of title 5, United States
Code, the days of unused sick leave to the credit of any such
employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

Sec. 307. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

Sec. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—
(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading "CAPITOL BUILDINGS", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS" in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and
(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(c)(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—
(A) under the Architect of the Capitol;
(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and
(C) related to the design or installation of security systems for the Capitol buildings and grounds.
(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

Sec. 309. (a) Section 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out “Administrative Conference of the United States” and inserting in lieu thereof “Board”.

(b) Section 230(d)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

(1) by striking out “Administrative Conference of the United States” and inserting in lieu thereof “Board”; and

(2) by striking out “and shall submit the study and recommendations to the Board”.

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

Sec. 310. Any amount appropriated in this Act for “HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members’ Representational Allowances” shall be available only for fiscal year 1996. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

Sec. 311. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking “1995” and inserting “1996”.

Sec. 312. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

Sec. 313. (a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

(b) The qualifications referred to in subsection (a) are the following:

(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

Sec. 314. Notwithstanding any other provision of law, effective September 1, 1995, the Committee on House Oversight of the House of Representatives shall have authority—

(1) to combine the House of Representatives Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance into a single allowance, to be known as the “Members’ Representational Allowance”; and
(2) to prescribe regulations relating to allocations, expenditures, and other matters with respect to the Members' Representational Allowance.

This Act may be cited as the "Legislative Branch Appropriations Act, 1996".

Approved November 19, 1995.

LEGISLATIVE HISTORY—H.R. 2492:
Oct. 31, considered and passed House.
Nov. 2, considered and passed Senate.
Nov. 19, Presidential statement.

Net grand total, Legislative Branch Appropriations Act, 1996 $2,125,311,276
Appropriations ...................................................... (2,188,856,200)
Rescission .............................................................. (– 63,544,924)
Limitation on expenses ............................................ (20,000)

Note.—In addition to the total in the annual appropriations act, the following amounts are available for the Legislative Branch for fiscal year 1996:

Permanent appropriations:
Federal funds .............................................................. 351,450,000
Trust funds .............................................................. 24,913,000

Subtotal, additions ........................................................ 376,363,000

Net total, Legislative Branch ........................................ 2,501,674,276
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-32
An Act

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $633,814,000, to remain available until September 30, 2000: Provided, That of this amount, not to exceed $44,034,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $554,636,000, to remain available until September 30, 2000: Provided, That of this amount, not to exceed $50,477,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.
MILITARY CONSTRUCTION, AIR FORCE
(INCLUDING RESCSSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $587,234,000, to remain available until September 30, 2000: Provided, That of this amount, not to exceed $26,594,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 102–136, $2,765,000 is hereby rescinded: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 102–368, $6,000,000 is hereby rescinded.

[Net total, $578,469,000.]

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS AND RESCSSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $640,357,000, to remain available until September 30, 2000: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $68,837,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Defense Agencies” under Public Law 102–136, $6,800,000 is hereby rescinded: Provided further, That of the funds appropriated for “Military Construction, Defense Agencies” under Public Law 102–380, $8,590,000 is hereby rescinded: Provided further, That of the funds appropriated for “Military Construction, Defense-wide” under Public Law 103–110, $8,131,000 is hereby rescinded.

[Net total, $616,836,000.]

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $137,110,000, to remain available until September 30, 2000.

1 Rescissions total — $8,765,000.
2 Rescissions total — $23,521,000.
For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $171,272,000, to remain available until September 30, 2000: Provided, That of the funds appropriated for "Military Construction, Air National Guard" under Public Law 103-110, $6,700,000 is hereby rescinded. [Net total, $164,572,000.]

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $72,728,000, to remain available until September 30, 2000.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $19,055,000, to remain available until September 30, 2000.

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $36,482,000, to remain available until September 30, 2000. [Net total, Military Construction, $2,813,702,000.]

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $161,000,000, to remain available until expended.

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $116,656,000, to remain available until September
FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $525,058,000, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, $1,048,329,000; in all $1,573,387,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $297,738,000, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, $849,213,000; in all $1,146,951,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $3,772,000, to remain available for obligation until September 30, 2000; for Operation and maintenance, $30,467,000; in all $34,239,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $22,000,000, to remain available until expended: Provided, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to this Fund from amounts appropriated in this Act for Construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to that Fund: Provided further, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of, and amendments made by, the National Defense Authorization Act for fiscal year 1996 pertaining to alternative means of acquiring and improving military family housing and supporting facilities.
HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $75,586,000, to remain available until expended.

[Total, Family housing, $4,304,415,000.]

BASE REALIGNMENT AND CLOSURE ACCOUNT,

PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $964,843,000, to remain available until expended: Provided, That not more than $325,800,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT,

PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $2,148,480,000, to remain available until expended: Provided, That not more than $236,700,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT,

PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $784,569,000, to remain available until expended: Provided, That such funds will be available for construction only to the extent detailed budget justification is transmitted to the Committees on Appropriations: Provided further, That such funds are available solely for the approved 1995 base realignments and closures.

[Total, Base realignment and closure accounts, $3,897,892,000.]

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: Provided, That the foregoing
shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

Sec. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Sec. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

Sec. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

Sec. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

Sec. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

Sec. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

Sec. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

Sec. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

Sec. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

Sec. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Sec. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein
Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor. Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the
specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

Sec. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

Sec. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

Sec. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

Sec. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

Sec. 124. The Army shall use George Air Force Base as the interim airhead for the National Training Center at Fort Irwin until Barstow-Daggett reaches Initial Operational Capability as the permanent airhead.

Sec. 125. (a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.
(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at former Fort Sheridan to the Fort Sheridan Joint Planning Committee, or its successor, for an amount no less than the fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

This Act may be cited as the “Military Construction Appropriations Act, 1996”.


LEGISLATIVE HISTORY—H.R. 1817:
HOUSE REPORTS: Nos. 104–137 (Comm. on Appropriations) and 104–247 (Comm. of Conference).
SENATE REPORTS: No. 104–116 (Comm. on Appropriations).
June 16, 20, 21, considered and passed House.
July 21, considered and passed Senate, amended.
Sept. 20, House agreed to conference report.
Sept. 21, Senate agreed to conference report.
Oct. 3, Presidential statement.

Net grand total, Military Construction Appropriation Act, 1996 ............................................ $11,177,009,000
Appropriations ....................................................... (11,215,995,000)
Rescissions ............................................................. (−38,986,000)

1 Included in Department of Defense totals. In addition, appropriation of $37,500,000 and rescissions of $37,500,000 were provided in Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134).
DEPARTMENT OF TRANSPORTATION
AND RELATED AGENCIES
APPROPRIATIONS ACT, 1996

PUBLIC LAW 104-50
DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1996

PUBLIC LAW 104–50—NOV. 15, 1995

109 STAT.

Public Law 104–50
104th Congress

An Act

Nov. 15, 1995
[H.R. 2002]

[Department of Transportation and Related Agencies Appropriations Act, 1996.]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $56,189,000, of which not to exceed $40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees established to support the electronic tariff filing system: Provided further, That none of the funds appropriated in this Act or otherwise made available may be used to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and open to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $6,554,000, and in addition, $809,000, to be derived from “Federal-aid Highways” subject to the “Limitation on General Operating Expenses”.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $8,220,000.
WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund associated with the provision of services to entities within the Department of Transportation, not to exceed $103,149,000 shall be paid, in accordance with law, from appropriations made available to the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code, as is payable by the Department of Transportation, $22,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 for the Payments to Air Carriers program in fiscal year 1996: Provided further, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under subchapter II of chapter 417 of title 49, United States Code, in excess of the appropriation in this Act for liquidation of obligations incurred under the “Payments to air carriers” program: Provided further, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: Provided further, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport: Provided further, That of funds provided for “Small Community Air Service” by Public Law 101-508, $16,000,000 in fiscal year 1996 is hereby rescinded.

PAYMENTS TO AIR CARRIERS

(RESSION)

Of the budgetary resources remaining available under this heading, $6,786,971 are rescinded.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space not to exceed 8,580,000 square feet and for related services assessed by the General Services Administration, $135,200,000: Provided, That of this amount, $1,897,000 shall be derived from the Highway Trust Fund, $41,441,000 shall be derived from the Airport and Airway Trust Fund, $836,000 shall be derived from the Pipeline Safety Fund, and $169,000 shall be derived from the

\[\text{Limitation on working capital fund.} \]
\[\text{Liquidation of contract authorization.} \]
\[\text{Limitation on obligations.} \]
\[\text{Recession of contract authority.} \]
\[\text{Trust fund portion, $43,507,000.} \]
Harbor Maintenance Trust Fund: Provided further, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,685,000, to be derived from “Federal-aid Highways”, subject to the “Limitation on General Operating Expenses”.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of the Minority Business Resource Center outreach activities, $2,900,000, of which $2,642,000 shall remain available until September 30, 1997: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

[Net total budgetary resources, Office of the Secretary, $210,776,029.]

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,278,991,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $20,000,000 shall be expended from the Boat Safety Account: Provided, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: Provided further, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $362,375,000, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $167,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equip-

1 Limitation on direct loans.
2 Trust fund portion, $45,000,000.
ment, to remain available until September 30, 2000; $12,000,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1998; $49,200,000 shall be available for other equipment, to remain available until September 30, 1998; $88,875,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1998; and $44,700,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1996: Provided, That funds received from the sale of the VC-11A and HU-25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant may dispose of surplus real property by sale or lease and the proceeds of such sale or lease shall be credited to this appropriation.

[Total, AC&I, $362,375,000.]

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard’s environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

PORT SAFETY DEVELOPMENT

For necessary expenses for debt retirement of the Port of Portland, Oregon, $15,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $16,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $582,022,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $62,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $18,000,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

1 Trust fund portion, $32,500,000.
2 Trust fund portion, $3,150,000.
DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1996

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Boat Safety
(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $20,000,000, to be derived from the Boat Safety Account and to remain available until expended.

[Total, Coast Guard, $3,375,388,000.]

Federal Aviation Administration
Operations
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, U.S.Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,645,712,000, of which $2,222,859,100 shall be derived from the Airport and Airway Trust Fund: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security: Provided further, That the unexpended balances of the appropriation "Office of Commercial Space Transportation, Operations and Research" shall be transferred to and merged with this appropriation: Provided further, That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation.

1 Trust fund portion, $2,222,859,100.
For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, U.S.Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $1,934,883,000, of which $1,708,883,000 shall remain available until September 30, 1998, of which $216,000,000 shall remain available until September 30, 1996, and of which $10,000,000, to remain available until expended, is for funding noncompetitive cooperative agreements with air carriers to assist them in acquiring and installing the following advanced security equipment: (1) hardened unit load devices, (2) explosive detection systems certified by the Federal Aviation Administration, and (3) computer-aided screener training and proficiency systems, in order to evaluate such equipment’s operational feasibility and effectiveness in improving civil aviation security: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

Facilities and Equipment
(Airport and Airway Trust Fund)

Of the available balances under this heading, $60,000,000 are rescinded.

Research, Engineering, and Development
(Airport and Airway Trust Fund)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, U.S.C., including construction of experimental facilities and acquisition of necessary sites by lease or grant, $185,698,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.
For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, U.S. Code, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,450,000,000 in fiscal year 1996 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, U.S. Code: Provided further, That none of the funds in this Act shall be available for the planning and execution of programs the obligations for which are in excess of $26,000,000 for the "Military Airports Program" and $48,000,000 for the "Reliever Airports Program".

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, U.S. Code.

Aircraft Purchase Loan Guarantee Program

None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $1,600,000 during fiscal year 1996.

[Net total budgetary resources, Federal Aviation Administration, $8,156,343,000.]

Federal Highway Administration

Limitation on General Operating Expenses

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $509,660,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That $208,946,000 of the amount provided herein shall remain available until September 30, 1998.

1 Liquidation of contract authorization.
2 Limitation on obligations.
3 Authority to borrow, indefinite.
4 Limitation on borrowing authority.
5 Limitation on general operating expenses.
HIGHWAY-RELATED SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $11,000,000, to be derived from the Highway Trust Fund: Provided, That not to exceed $100,000 of the amount made available herein shall be available for “Limitation on general operating expenses”: Provided further, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $11,000,000 in fiscal year 1996 for “Highway-Related Safety Grants”.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $17,550,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1996.

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $19,200,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND
(LIMITATION ON DIRECT LOANS)
(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1996.

1 Liquidation of contract authorization.
2 Limitation on obligations.
3 Exempt obligations (sec. 310).
For payment of obligations incurred in carrying out 49 U.S.C. 31102, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $77,225,000 for “Motor Carrier Safety Grants”.

Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240), to be derived from the Highway Trust Fund, $51,884,430, of which $32,247,000 shall remain available until September 30, 1998.

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, chapter 303 of title 49, United States Code, and section 209 of Public Law 95-599, as amended, to remain available until expended, $155,100,000, to be derived from the Highway Trust Fund: Provided, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1996, are in excess of $155,100,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $127,700,000 shall be for “State and community highway safety grants”, $2,400,000 shall be for the “National Driver Register” subject to authorization, and $25,000,000 shall be for section 410

\[1\] Liquidation of contract authorization.

\[2\] Limitation on obligations.
“Alcohol-impaired driving counter-measures programs”: Provided further, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $5,211,000 of the funds made available for section 402 may be available for administering “State and community highway safety grants”: Provided further, That not to exceed $500,000 of the funds made available for section 410 “Alcohol-impaired driving counter-measures programs” shall be available for technical assistance to the States: Provided further, That not to exceed $890,000 of the funds made available for the “National Driver Register” may be available for administrative expenses. [Total budgetary resources, National Highway Safety Administration, $280,301,000.]

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,018,000, of which $1,508,000 shall remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: Provided further, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $49,919,000, of which $2,687,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $24,550,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et

Total budgetary resources, National Highway Safety Administration, $280,301,000.]

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,018,000, of which $1,508,000 shall remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: Provided further, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $49,919,000, of which $2,687,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $24,550,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et
$115,000,000 seq.) and 49 U.S.C. 24909, $115,000,000, to remain available until September 30, 1998.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That no new loan guarantee commitments shall be made during fiscal year 1996.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT
(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

NEXT GENERATION HIGH SPEED RAIL

For necessary expenses for Next Generation High Speed Rail studies, corridor planning, development, demonstration, and implementation, $19,205,000, to remain available until expended: Provided, That funds under this head may be made available for grants to States for high speed rail corridor design, feasibility studies, environmental analyses and track and signal improvements.

TRUST FUND SHARE OF NEXT GENERATION HIGH SPEED RAIL
(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $7,118,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

1 Liquidation of contract authorization.
2 Limitation on obligations.
RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $1,000,000 to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: Provided, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $6,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, $635,000,000, to remain available until expended, of which $305,000,000 shall be available for operating losses and for mandatory passenger rail service payments, $100,000,000 shall be for transition costs incurred by the Corporation, and $230,000,000 shall be for capital improvements: Provided, That up to $15,000,000 of the amount made available under this head for capital improvements may, at the discretion of the Corporation, be transferred to the Northeast Corridor Improvement Program: Provided further, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $42,000,000.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, $942,925,000: Provided, That no more than $2,052,925,000 of budget authority shall be available for these purposes: Provided further, That none of the funds provided under this head for formula grants, no more than $400,000,000 may be used for operating assistance under 49 U.S.C. 5336(d): Provided further, That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than seventy-
five percent of the amount of operating assistance such areas are eligible to receive under Public Law 103–331: Provided further, that in the distribution of the limitation provided under this heading to urbanized areas that had a population under the 1990 census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

University Transportation Centers

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

Transit Planning and Research

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, $85,500,000 of which $39,500,000 shall be for activities under 49 U.S.C. 5303, $4,500,000 for activities under 49 U.S.C. 5311(b)(2), $8,250,000 for activities under 49 U.S.C. 5313(b), $22,000,000 for activities under 49 U.S.C. 5314, $8,250,000 for activities under 49 U.S.C. 5313(a), and $3,000,000 for activities under 49 U.S.C. 5315.

Trust Fund Share of Expenses

(Liquidation of Contract Authorization)

(Highway Trust Fund)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $1,120,850,000, to remain available until expended and to be derived from the Highway Trust Fund: Provided, That $1,120,850,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

Discretionary Grants

(Limitation on Obligations)

(Highway Trust Fund)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,665,000,000 in fiscal year 1996 for grants under the contract authority in 49 U.S.C. 5338(b): Provided, That there shall be available for fixed guideway modernization, $666,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $333,000,000; and, notwithstanding any other provision of law, except for fixed guideway modernization projects, $21,631,250 made available under Public Law 102–388 under “Federal Transit Administration, Discretionary Grants” for projects specified in that Act or identified in reports accompanying

1 Liquidation of contract authorization.
2 Limitation on obligations.
that Act, not obligated by September 30, 1995, shall be made available for new fixed guideway systems together with the $666,000,000 made available for new fixed guideway systems in this Act, to be available as follows:

- $42,410,000 for the Atlanta-North Springs project;
- $20,060,000 for the South Boston Piers (MOS-2) project;
- $4,250,000 for the Canton-Akron-Cleveland commuter rail project;
- $1,000,000 for the Cincinnati Northeast/Northern Kentucky rail line project;
- $16,941,000 for the Dallas South Oak Cliff LRT project;
- $3,000,000 for the DART North Central light rail extension project;
- $6,000,000 for the Dallas-Fort Worth RAILTRAN project;
- $10,000,000 for the Florida Tri-County commuter rail project;
- $22,630,000 for the Houston Regional Bus project;
- $9,720,625 for the Jacksonville ASE extension project;
- $85,000,000 for the Los Angeles Metro Rail (MOS-3);
- $8,500,000 for the Los Angeles-San Diego commuter rail project;
- $10,000,000 for the MARC commuter rail project;
- $15,315,000 for the Maryland Central Corridor LRT project;
- $2,000,000 for the Miami-North 27th Avenue project;
- $1,250,000 for the Memphis, Tennessee Regional Rail Plan;
- $80,250,000 for the New Jersey Urban Core-Secaucus project;
- $5,000,000 for the New Orleans Canal Street Corridor project;
- $126,725,125 for the New York Queens Connection project;
- $22,630,000 for the Pittsburgh Airport Phase 1 project;
- $130,140,000 for the Portland Westside LRT project;
- $2,000,000 for the Sacramento LRT extension project;
- $12,500,000 for the St. Louis Metro Link LRT project;
- $9,759,500 for the Salt Lake City light rail project, of which not more than $5,000,000 may be available for high-occupancy vehicle lane and intermodal corridor design costs;
- $10,000,000 for the San Francisco BART extension to the San Francisco airport project;
- $7,500,000 for the San Juan, Puerto Rico Tren Urbano project;
- $500,000 for the Tampa to Lakeland commuter rail project;
- $2,500,000 for the Whitehall ferry terminal, New York, New York;
- $14,400,000 for the Wisconsin central commuter project; and
- $5,650,000 for the Burlington-Charlotte, Vermont commuter rail project.

**Mass Transit Capital Fund**

*(Liquidation of Contract Authorization)*

*(Highway Trust Fund)*

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration,
$2,000,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

[S总投资ory resources, Federal Transit Administration, $4,051,425,000.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation’s budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,150,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $23,937,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $7,606,000 shall remain available until September 30, 1998: Provided, That up to $1,000,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $31,448,000, of which $2,698,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1998; and of which $28,750,000 shall be derived from the Pipeline Safety Fund, of which $19,423,000 shall remain

1 Liquidation of contract authorization.
2 Trust fund portion, $2,698,000.
available until September 30, 1998: Provided, That from amounts made available herein from the Pipeline Safety Fund, not to exceed $1,000,000 shall be available for grants to States for the development and establishment of one-call notification systems.

**Emergency Preparedness Grants**

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1998: Provided, That not more than $8,890,000 shall be made available for obligation in fiscal year 1996 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, or his designees.

[Total budgetary resources, Research and Special Programs Administration, $64,675,000.]

**Office of Inspector General**

Salaries and Expenses

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $40,238,000.

**Bureau of Transportation Statistics**

For expenses necessary to conduct activities related to airline statistics, $2,200,000, of which $272,000 shall remain available until expended.

[Net total budgetary resources, title I, Department of Transportation, $37,010,091,177.]

**Title II**

Related Agencies

Architectural and Transportation Barriers Compliance Board

Salaries and Expenses

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,500,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

National Transportation Safety Board

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109; but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $38,774,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

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1 Limitation on obligations.
2 Total of General Provisions affecting title I.
PUBLIC LAW 104–50—NOV. 15, 1995

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1996

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $360,802 to remain available until expended.

[Total, NTSB, $39,134,802.]

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), $13,379,000, of which $4,984,000 shall be for severance and closing costs: Provided, That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of $8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

[Total budgetary resources, Interstate Commerce Commission, $13,854,000.]

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,741,000, to be derived from the Panama Canal Revolving Fund: Provided, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

[Total budgetary resources, title II, Related agencies, $56,488,802.]

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles; and payment, by check or otherwise, for personal services and travel expenses as authorized by law, and for per diem expenses of officers and employees of the Federal Highway Administration, including the purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $25,000 for the purchase of passenger motor vehicles for the State of New Mexico as authorized by 23 U.S.C. 138(b)(1).

1 Limitation on obligations.
2 Limitation on administrative expenses.
vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

Sec. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

Sec. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7701, et seq., for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

Sec. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Sec. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

Sec. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Sec. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

Sec. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.
SEC. 310. (a) For fiscal year 1996 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1995, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent transportation systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: Provided, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head “Federal-Aid Highways” in this Act.

(d) During the period October 1 through December 31, 1995, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

1. under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

2. for highway assistance projects under section 103(e)(4) of title 23, United States Code,

1 Exempt obligations reflected in “Federal-aid highways”.

1 ($2,331,507,000)
which would not be obligated in fiscal year 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 reduced under paragraph (c)(2).

Sec. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

Sec. 312. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

Sec. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Sec. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

Sec. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

Sec. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

Sec. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

Sec. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.
SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under “Federal Transit Administration, Discretionary grants” for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 324. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by $7,500,000, which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than $95,649,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Limitation on General Operating Expenses” account, the Federal Transit Administration’s “Transit Planning and Research”
account, and to the Federal Railroad Administration's ``Railroad Safety'\textquotesingle account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 331. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 332. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: Provided, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 333. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), ``that extends the economic life of the bus for at least 5 years''; and

(2) in subparagraph (C), ``that extends the economic life of the bus for at least 8 years''.

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 334. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 335. Of the budgetary resources provided to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1996, $25,000,000 are permanently canceled: Provided, That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable collocate and consolidate the Department's surface transportation field offices and administrative activities: Provided further, That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of

\textsuperscript{1 Field office consolidation.}
the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: Provided further, That no appropriation shall be increased or decreased by more than ten per centum by all such transfers: Provided further, That, notwithstanding 5 U.S.C. 905(b), the President may prepare and transmit to Congress not later than the date for transmittal to Congress of the Budget Request for Fiscal Year 1997, a reorganization plan pursuant to chapter 9 of title 5, United States Code, for the reorganization of the surface transportation activities of the Department of Transportation and the relationship of the Saint Lawrence Seaway Development Corporation to the Department.

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated in this Act to “Rental payments” for any expense authorized by that appropriation in excess of the amounts provided in this Act: Provided, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 338. None of the funds in this Act may be used to enforce the requirement that airport charges make the airport as self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas, on the grounds of such airport’s failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: Provided, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: Provided further, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport.

SEC. 339. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to
favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Sec. 340. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China: Provided, That this provision shall not apply to the Federal Aviation Administration or the joint Federal Aviation Administration, Department of Defense and Department of Commerce initiative designed to modernize the air traffic control system of the People's Republic of China.

Sec. 341. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

Sec. 342. In addition to the sums made available to the Department of Transportation, $8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: Provided, That such amount shall be available only to the extent authorized by law: Provided further, That of the fees collected pursuant to 31 U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of $8,300,000 of those fees shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

Sec. 343. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

Sec. 344. Improvements identified as highest priority by section 1069(t) of Public Law 102-240 and funded pursuant to section 118(c)(2) of title 23, United States Code, shall not be treated as an allocation for Interstate maintenance for such fiscal year under section 157(a)(4) of title 23, United States Code, and sections 1013(c), 1015(a)(1), and 1015(b)(1) of Public Law 102-240: Provided, That any discretionary grant made pursuant to Public Law 99-663 shall not be subject to section 1015 of Public Law 102-240.

Sec. 345. The Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding the establishment of successful telecommuting programs and the benefits and costs of telecommuting. Within one year of the date of enactment

\^1 ICC transition.
of this Act, the Secretary shall report to Congress its findings, conclusions, and recommendations regarding telecommuting developed under this section.

SEC. 346. Notwithstanding section 1003(c) of Public Law 102-240, authorizations for the Indian Reservation Roads under section 1003(a)(6)(A) of Public Law 102-240 shall be exempt from any reduction in authorizations for budget compliance.

SEC. 347. (a) In consultation with the employees of the Federal Aviation Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5, United States Code, and other Federal personnel laws, the Administrator of the Federal Aviation Administration shall develop and implement, not later than January 1, 1996, a personnel management system for the Federal Aviation Administration that addresses the unique demands on the agency’s workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(b) The provisions of title 5, United States Code, shall not apply to the new personnel management system developed and implemented pursuant to subsection (a), with the exception of—

(1) section 2302(b), relating to whistleblower protection;
(2) sections 3308–3320, relating to veterans’ preference;
(3) section 7116(b)(7), relating to limitations on the right to strike;
(4) section 7204, relating to antidiscrimination;
(5) chapter 73, relating to suitability, security, and conduct;
(6) chapter 81, relating to compensation for work injury; and
(7) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage.

(c) This section shall take effect on April 1, 1996.

SEC. 348. (a) In consultation with such non-governmental experts in acquisition management systems as he may employ, and notwithstanding provisions of Federal acquisition law, the Administrator of the Federal Aviation Administration shall develop and implement, not later than January 1, 1996, an acquisition management system for the Federal Aviation Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

(b) The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to subsection (a):

(2) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).
(4) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.
(6) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.


(8) The Federal Acquisition Regulation and any laws not listed in (a) through (e) of this section providing authority to promulgate regulations in the Federal Acquisition Regulation.

(c) This section shall take effect on April 1, 1996.

SEC. 349. Funds provided in this Act for bonuses and cash awards for employees of the Department of Transportation shall be reduced by $752,852, which limits fiscal year 1996 obligation authority to no more than $25,875,075: Provided, That this provision shall be applied to funds for Senior Executive Service bonuses, merit pay, and other bonuses and cash awards.

SEC. 350. Not to exceed $850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 351. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR Part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 352. (a) The Federal Aviation Administration Technical Center located at the Atlantic City International Airport in Pomona, New Jersey, shall be known and designated as the “William J. Hughes Technical Center”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Aviation Administration Technical Center referred to in section (a) shall be deemed to be a reference to the “William J. Hughes Technical Center”.

SEC. 353. None of the funds in this Act may be used to close any multi-mission small boat stations or subunits: Provided, That the Secretary may implement any management efficiencies within the small boat unit system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits may be closed.


(1) in subsection (a), by adding “and” at the end, and
(2) by striking “Stat. 220), and” in subsection (b) and all that follows through “New Jersey; concurrent with” and inserting the following: “Stat. 220); concurrent with”.

SEC. 355. Sense of Senate Regarding United States/Japan Aviation Dispute.—(a) Findings.—The Congress finds that—

(1) the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;
(2) in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6,000,000,000;

(3) the United States/Japan bilateral aviation agreement guarantees three United States carriers “beyond rights” that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

(4) the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their “beyond rights”;

(5) United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

(6) the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their “beyond rights”; and

(7) the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers.

(b) ACTION REQUESTED.—The Congress—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their “beyond rights” to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Contracts. Sec. 356. The Secretary of Transportation is hereby authorized and directed to enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–388) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103–331). Nothing in this section changes the amount of the previous appropriation in section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing either section 339 or section 336, the Secretary may enter into an agreement requiring an interest rate that is higher than that specified therein.

Sec. 357. Authority To Use Funds for Siding and Intermodal Facility in Richland County, North Dakota.—Notwith-
standing section 22101(a)(3) of title 49, United States Code, the State of North Dakota may use funds available to the State under section 22106(b) of such title for the building of a siding and intermodal facility proposed by the State in Sections 7 and 8, Township 133 North, Range 47 West, Richland County, North Dakota.

[Total, title III, General Provisions, 1 $24,828,852.]

TITLE IV
PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.—This title may be cited as the "National Capital Area Interest Arbitration Standards Act of 1995".

SECTION 402. FINDINGS AND PURPOSES.—(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation’s capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than $\frac{2}{3}$ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operat-

1 Totalled in title I.
ing in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.—As used in this title—
(1) the term "arbitration" means—
(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and
(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;
(2) the term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;
(3) an interstate compact agency's "funding ability" is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;
(4) the term "interstate compact agency operating in the national capital area" means any interstate compact agency which provides public transit services;
(5) the term "interstate compact agency" means any agency established by an interstate compact to which the District of Columbia is a signatory; and
(6) the term "public welfare" includes, with respect to arbitration under an interstate compact—
(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and
(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.—(a) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:
(1) The existing terms and conditions of employment of the employees in the bargaining unit.
(2) All available financial resources of the interstate compact agency.
(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.
(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdic-
tions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) Compact Agency's Funding Ability.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) Requirements for Final Award.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. Procedures for Enforcement of Awards.—(a) Modifications and Finality of Award.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) Implementation.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) Judicial Review.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;
(3) the decision by the arbitrator is arbitrary or capricious;
(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;
(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;
(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or
(7) the arbitrator did not comply with the provisions of section 404.
This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 1996”.

Approved November 15, 1995.

LEGISLATIVE HISTORY—H.R. 2002:
HOUSE REPORTS: Nos. 104–177 (Comm. on Appropriations) and 104–286 (Comm. of Conference).
SENATE REPORTS: No. 104–126 (Comm. on Appropriations).
July 21, 24, 25, considered and passed House.
Aug. 9, 10, considered and passed Senate, amended.
Oct. 25, House agreed to conference report.
Oct. 31, Senate agreed to conference report.
Nov. 16, Presidential statement.
Net grand total, Department of Transportation and Related Agencies Appropriations Act, 1996 .......... 1 $13,061,972,979
  Appropriations ................................................................. (13,144,759,950)
  Rescissions ................................................................. (– 82,786,971)
  Limitations on obligations ............................................... (22,055,290,000)
  Exempt obligations ....................................................... (2,331,507,000)

  Total budgetary resources ............................................. (37,448,769,979)

Limitation on general operating expenses ....................... (525,341,000)
Liquidation of contract authorization ................................ (21,421,623,000)
Limitation on working capital fund .................................. (93,000,000)
Limitation on direct loans ............................................... (57,500,000)
Limitation on borrowing authority .................................. (9,970,000)

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Department of Transportation for fiscal year 1996:

Permanent appropriations:
  Federal funds ............................................................... 47,166,000
  Trust funds ................................................................. 1,360,288,000

Appropriations in Legislative Acts:
  National Highway System Designation Act (Public Law 104–59):
    Federal Highway Administration:
      Federal-aid highways, Trust funds .............................. 115,000,000
      Highway-related safety grants, Trust funds .................. −15,000,000
    Federal Railroad Administration:
      Trust fund share of next generation high speed rail program, Trust funds ....................... −100,000,000
  Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996:
    Maritime Administration .................................................. 156,100,000
  Supplemental, Rescissions and Offsets, 1996 (Public Law 104–134) ........................................... 300,000,000
    Rescissions ................................................................. −762,000,000

  Net subtotal, additions ............................................... 1,101,554,000

Deduct amounts transferred to General Government totals:
  Architectural and Transportation Barriers Compliance Board ... 3,500,000
  Interstate Commerce Commission ....................................... 13,379,000
  National Transportation Safety Board ................................ 39,134,802

  Subtotal, deductions .................................................... −56,013,802

  Less adjustments ............................................................ −382,190,000

  Net total, Department of Transportation ............................ 13,725,323,177

1 Consisting of net total appropriations of $12,679,782,979 and adjustments of $382,190,000.
TREASURY, POSTAL SERVICE,  
AND GENERAL GOVERNMENT  
APPROPRIATIONS ACT, 1996  

PUBLIC LAW 104-52
An Act

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $2,950,000 to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $105,929,000, of which up to $500,000 shall be available to reimburse the District of Columbia Metropolitan Police Department for personnel costs incurred by the Metropolitan Police Department between May 19, 1995 and September 30, 1995 as a result of the closing to vehicular traffic of Pennsylvania Avenue Northwest and other streets in the vicinity of the White House; Provided, That section 640 of title VI of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103-329, 108 Stat. 2432), is amended by adding at the end thereof the following new sentence: “This section shall not apply to any claim where the employee has received any compensation for overtime hours worked during the period covered by the claim under any other provision of law, including, but not limited to, 5 U.S.C. 5545(c), or to any claim for compensation...
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TREASURY BUILDINGS AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, and the Secret Service Headquarters Building, $21,491,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $29,319,000.

TREASURY FORFEITURE FUND

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $10,000,000, to be derived from deposits in the Fund.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; $22,198,000: Provided, That notwithstanding any other provision of law, the Director of the Financial Crimes Enforcement Network may procure up to $500,000 in specialized, unique or novel automatic data processing equipment, ancillary equipment, software, services, and related resources from commercial vendors without regard to otherwise applicable procurement laws and regulations and without full and open competition, utilizing procedures best suited under the circumstances of the procurement to efficiently fulfill the agency's requirements: Provided further, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting
of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center’s gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $36,070,000, of which $8,666,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1998.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $9,663,000, to remain available until expended.

[Total, Federal Law Enforcement Training Center, $45,733,000.]

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $184,300,000, of which not to exceed $14,277,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.
For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $377,971,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1996: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of “Curios or relics” in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c).

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000
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for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,387,153,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of that total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That the Commissioner of the Customs Service designate a single individual to be port director of all United States Government activities at two ports of entry, one on the southern border and one on the northern border: Provided further, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs “Salaries and Expenses” account for such purposes.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction or demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $64,843,000 which shall remain available until expended; in addition, $19,733,000 shall be transferred from the Customs Air and Marine Interdiction Programs, Procurement Account to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements, and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1996, without the prior approval of the House and Senate Committees on Appropriations.

\(^1\) Unobligated balances carried forward (non-add).
CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

[Total, United States Custom Service, $1,456,402,000.]

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $180,065,000: Provided, That the sum appropriated herein from the General Fund for fiscal year 1996 shall be reduced by not more than $600,000 as definitive security issue fees are collected and not more than $9,465,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at $170,000,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers, management services, and inspection; including purchase (not to exceed 150 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,723,764,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner $4,097,294,000, of which not to exceed $1,000,000 shall remain available until September 30, 1998 for research: Provided, That $13,000,000 shall be used to initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the

1 Payment of government losses in shipment as provided in P.L. 103-329 as annual indefinite.
Internal Revenue Service in compliance with section 104 of this Act.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,527,154,000, of which no less than $695,000,000 shall be available for tax systems modernization activities, of which up to $185,000,000 for tax and information systems development projects shall remain available until September 30, 1998:

Provided, That of the funds appropriated for tax systems modernization, $100,000,000 may not be obligated until the Secretary of the Treasury provides a report to the Committees on Appropriations of the House and the Senate that (1) with explicit decision criteria, identifies, evaluates, and prioritizes all systems investments planned for fiscal year 1996, (2) provides a schedule for successfully mitigating deficiencies identified by the General Accounting Office in its April 1995 report to the Committees, (3) presents a milestone schedule for development and implementation of all projects included in the tax systems modernization program, and (4) presents a plan to expand the utilization of external expertise for systems development and total program integration.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 2 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations: Provided, That notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to transfer such sums as may be necessary between appropriations with advance approval of the House and Senate Appropriations Committees.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

[Total, Internal Revenue Service, $7,348,212,000.]

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed 665 vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may
be necessary to perform protective functions; for payment of per

diem and/or subsistence allowances to employees where-

a protective assignment during the actual day or days of the visit of a protectee
require an employee to work 16 hours per day or to remain over-

night at his or her post of duty; the conducting of and participating
in firearms matches; presentation of awards; and for travel of

Secret Service employees on protective missions without regard
to the limitations on such expenditures in this or any other Act:
Provided, That approval is obtained in advance from the House
and Senate Committees on Appropriations; for repairs, alterations,
and minor construction at the James J. Rowley Secret Service
Training Center; for research and development; for making grants
to conduct behavioral research in support of protective research
and operations; not to exceed $12,500 for official reception and
representation expenses; not to exceed $50,000 to provide technical
assistance and equipment to foreign law enforcement organizations
in counterfeit investigations; for payment in advance for commercial
accommodations as may be necessary to perform protective func-
tions; and for uniforms without regard to the general purchase
price limitation for the current fiscal year; $531,944,000.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, to remain
available until expended, which shall be derived from the Violent
Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $69,314,000, of which
$25,690,000 shall be available to the United States Customs Service
for expenses associated with "Operation Hardline"; of which
$21,010,000 shall be available to the Bureau of Alcohol, Tobacco
and Firearms, of which no less than $14,410,000 shall be available
to annualize the salaries and related costs for the fiscal year 1995
supplemental initiative, and of which no less than $3,500,000 shall
be available for administering the Gang Resistance Education and
Training program, and of which $3,100,000 shall be available for
ballistics technologies; of which $21,600,000 shall be available to
the United States Secret Service, of which no less than $1,600,000
shall be available for enhancing forensics technology to aid missing
and exploited children investigations; and of which $1,014,000 shall
be available to the Federal Law Enforcement Training Center;
and

(b) As authorized by section 32401, $7,200,000, for disburse-
ment through grants, cooperative agreements or contracts, to local
governments for Gang Resistance Education and Training: Pro-
vided, That notwithstanding sections 32401 and 310001, such funds
shall be allocated only to the affected State and local law enforce-
ment and prevention organizations participating in such projects.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Any obligation or expenditure by the Secretary
in connection with law enforcement activities of a Federal agency
or a Department of the Treasury law enforcement organization
in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated bal-
ances remaining in the Fund on September 30, 1996, shall be
made in compliance with the reprogramming guidelines contained
in the House and Senate reports accompanying this Act.
SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1996 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 107. The Secretary of the Treasury is authorized in fiscal year 1996 and hereafter, to use Treasury Department aircraft, with or without reimbursement, to assist bureaus within the Department of the Treasury or other Federal agencies, Departments or offices outside of the Department of the Treasury to provide emergency law enforcement support to protect human life, property, public health, or safety.

This title may be cited as the "Treasury Department Appropriations Act, 1996".

[Total, title I, Department of the Treasury, $10,380,513,000.]

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; $85,080,000: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close
small rural and other small post offices in the fiscal year ending on September 30, 1996.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $36,828,000.

This title may be cited as the "Postal Service Appropriations Act, 1996".

[Total, title II, Postal Service, $121,908,000.]

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $39,459,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $2,200,000, to remain available until expended for replacement of the White House roof, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.
For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,280,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES


OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $25,736,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as
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authorized by 5 U.S.C. 3109; $55,573,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans’ Affairs or their subcommittees: Provided further, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans’ Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $23,500,000, of which $16,000,000, to remain available until expended, shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies; and of the funds made available to the Counter-Drug Technology Assessment Center, $600,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $103,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking
Areas, of which no less than $55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $48,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

This title may be cited as the "Executive Office Appropriations Act, 1996".

[Total, title III, Executive Office of the President, $275,844,000.]

TITLE IV—INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For necessary expenses of the Advisory Commission on Intergovernmental Relations, $784,000, of which $334,000 is to carry out the provisions of Public Law 104–4, and of which $450,000 shall be available only for the purposes of the prompt and orderly termination of the Advisory Commission on Intergovernmental Relations.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established under subchapter V of chapter 5 of title 5, United States Code, $600,000: Provided, That these funds shall only be available for the purposes of the prompt and orderly termination of the Administrative Conference of the United States by February 1, 1996.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,800,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $26,521,000, of which no less than $1,500,000 shall be available for internal automated data processing systems, of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That none of the funds appropriated for automated data processing systems may be obligated until the Chairman of the Federal Election Commission provides to the House Committee on Appropriations a systems requirements analysis on the development of such a system.
For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $20,542,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

General Services Administration

Federal Buildings Fund

Limitations on Availability of Revenue

(Including Rescission)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $86,000,000, to be deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,066,149,000, of which (1) not to exceed $545,002,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
Colorado:
  Lakewood, Denver Federal Center, U.S. Geological Survey Lab Building, $25,802,000
Florida:
  Tallahassee, U.S. Courthouse Annex, $24,015,000
Georgia:
  Savannah, U.S. Courthouse Annex, $2,597,000
Louisiana:
  Lafayette, Federal Building and U.S. Courthouse, $29,565,000
Maryland:
  Prince Georges County, Food and Drug Administration, $55,000,000
Nebraska:
  Omaha, Federal Building and U.S. Courthouse, $53,424,000
New Mexico:
  Albuquerque, Federal Building and U.S. Courthouse, $6,126,000
New York:
  Central Islip, Federal Building and U.S. Courthouse, $189,102,000
North Dakota:
  Pembina, Border Station, $11,113,000
Pennsylvania:
  Scranton, Federal Building and U.S. Courthouse Annex, $24,095,000
South Carolina:
  Columbia, U.S. Courthouse Annex, $3,562,000
Texas:
  Austin, Veterans Affairs Annex, $7,940,000
  Brownsville, Federal Building and U.S. Courthouse, $27,452,000
Washington:
  Point Roberts, U.S. Border Station, $3,516,000
  Seattle, U.S. Courthouse, $5,600,000
West Virginia:
  Martinsburg, Internal Revenue Service Computer Center, $63,408,000
Non-prospectus Projects Program, $12,685,000:
Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the House and Senate Committees on Appropriations of a greater amount: Provided further, That the $6,000,000 under the heading of non-prospectus construction projects, made available in Public Laws 102±393 and 103±123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, is hereby increased by $5,000,000 from funds made available in this Act for non-prospectus construction projects, all of which shall remain available until expended: Provided further, That of the $5,000,000 made available by this Act, half shall be used for telecommuting centers in the State of Virginia and half shall be used for telecommuting centers in the State of Maryland: Provided further, That of the funds made available for the District of Columbia, Southeast Federal Center, under the heading, "Real Property Activ-
ties, Federal Buildings Fund. Limitations on Availability of Revenue in Public Law 101-509, $55,000,000 are rescinded: Provided further, That the limitation on the availability of revenue contained in such Act is reduced by $55,000,000: Provided further, That all funds for direct construction projects shall expire on September 30, 1997, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $637,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:
Arkansas:
Little Rock, Federal Building, $7,551,000
California:
Sacramento, Federal Building (2800 Cottage Way), $13,636,000
District of Columbia:
ICC/Connecting Wing Complex/Customs (phase 2/3), $58,275,000
Illinois:
Chicago, Federal Center, $45,971,000
Maryland:
Woodlawn, SSA East High-Low Buildings, $17,422,000
North Dakota:
Bismarck, Federal Building, Post Office and U.S. Courthouse, $7,119,000
Pennsylvania:
Philadelphia, Byrne-Green Complex, $30,909,000
Philadelphia, SSA Building, Mid-Atlantic Program Service Center, $11,376,000
Puerto Rico:
Old San Juan, Post Office and U.S. Courthouse, $25,701,000
Texas:
Dallas, Federal Building (Griffin St.), $5,641,000
Washington:
Richland, Federal Building, U.S. Post Office, and Courthouse, $10,000,000
Nationwide:
$637,000,000 (limitation)

1Rescission of availability (non-add).
Chlorofluorocarbons Program, $43,533,000
Elevator Program, $13,109,000
Energy Program, $20,000,000
Advance Design, $22,000,000

Basic Repairs and Alterations, $304,757,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1997, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the funds provided for Advanced Design, $100,000 shall be made available for architectural design studies for renovation of the National Veterinary Services Laboratory and a biocontainment facility at the National Animal Disease Center, Ames, Iowa: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) not to exceed $181,963,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $2,326,200,000 for rental of space which shall remain available until expended; and (5) not to exceed $1,302,551,000, of which not to exceed $1,000,000 shall be available for logistical support and personnel services for the Xth Paralympiad for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall be available for expenses in connection with the development of a proposed prospectus: Provided further, That necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: Provided further, That the Administrator is authorized to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project: Provided further, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Commit-
Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1996, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,066,149,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

[Total, Federal Buildings Fund, $86,000,000.]

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for asset management activities; utilization of excess and disposal of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $119,091,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,274,000: Provided, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; $2,181,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the
cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Funds in the Federal Buildings Fund made available for fiscal year 1996 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. No funds made available by this Act shall be used to transmit a fiscal year 1997 request for United States Courthouse construction that does not meet the standards for construction as established by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget and does not reflect the priorities of the Judicial Conference of the United States as set out in its approved five-year construction plan.

SEC. 5. The Administrator of General Services is authorized to accept and retain income received by the General Services Administration on or after October 1, 1993, from Federal agencies and non-Federal sources, to defray costs directly associated with the functions of flexiplace work telecommuting centers.

SEC. 6. Of the $11,000,000 made available by this Act and Public Laws 102–393 and 103–123 for flexiplace work telecommuting centers, not less than $2,200,000 shall be available for immediate transfer to the Charles County Community College, to provide facilities, equipment, and other services to the General Services Administration for the purposes of establishing telecommuting work centers in Southern Maryland (Charles, Calvert, and St. Mary’s County) for use by Government agencies designated by the Administrator of General Services: Provided, That the language providing authority to pay a public entity in the State of Maryland, not to exceed $1,300,000 for the purpose of establishing telecommuting work centers in Southern Maryland, under the heading “Federal Buildings Fund Limitations on Availability of Revenue” in Public Law 103–329 (108 Stat. 2400), is hereby repealed.

SEC. 7. Notwithstanding any provision of this or any other Act, during the fiscal year ending September 30, 1996, and thereafter, no funds may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 8. Notwithstanding any provision of this or any other Act, during the fiscal year ending September 30, 1996, and thereafter, no funds may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. Section 17(c) of Public Law 101–136 is amended by—
(a) striking “within 3 years of date of conveyance,” and inserting in lieu thereof, “simultaneously”; and by striking the remainder of the first sentence following, “the islands of Hawaii,
Oahu, and Molokai” and inserting a period immediately thereafter; and

(b) in paragraph (2) by striking “in the exchange described in subsection (c)(1)” and inserting, “or recreational” immediately after the word, “educational”.

[Total, General Services Administration, $240,546,000.]

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

$2,150,000

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,549,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

$24,549,000

2,430,000

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $199,633,000, of which $4,500,000 shall be available until expended for cataloging, archiving and digitizing activities: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

$199,633,000

2,430,000

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000 to remain available until expended.

$5,000,000
OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES


OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $88,000,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees and in addition $102,536,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $11,300,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (l), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission
on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,009,000, and in addition, not to exceed $6,181,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $3,746,337,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771±75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

Section 1. Section 1104 of title 5, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (2)—
(i) by inserting after “title” the following: “, the cost of which examinations shall be reimbursed by

\[1\] OMB estimate of Employees Life Insurance Fund (limitation on administrative expenses) shown in charts for information only.
payments from the agencies employing such judges to the revolving fund established under section 1304(e); and

(ii) by striking the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking the matter following paragraph (2) through “principles.”; and

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

“(4) At the request of the head of an agency to whom a function has been delegated under subsection (a)(2), the Office may provide assistance to the agency in performing such function. Such assistance shall, to the extent determined appropriate by the Director of the Office, be performed on a reimbursable basis through the revolving fund established under section 1304(e).”.

SEC. 2. Subparagraph (B) of section 8348(a)(1) of title 5, United States Code, is amended—

(1) by inserting “in making an allotment or assignment made by an individual under section 8345(h) or 8465(b) of this title,” after “law),”; and

(2) by striking “title 26;” and inserting “title 26 or section 8345(k) or 8469 of this title;”.


(1) by deleting “FISCAL YEARS 1994 AND 1995” and inserting in lieu thereof: “VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—”;

and

(2) in paragraph (1)(A) by striking “and before October 1, 1995,”.

SEC. 4. Title 5, United States Code, is amended—

(1) in the second section designated as section 3329 (as added by section 4431(a) of Public Law 102–484)—

(A) by redesignating such section as section 3330; and

(B) by adding at the end thereof the following new subsection:

“(f) The Office may, to the extent it determines appropriate, charge such fees to agencies for services provided under this section and for related Federal employment information. The Office shall retain such fees to pay the costs of providing such services and information.”; and

(2) in the table of sections for chapter 33 by amending the second item relating to section 3329 to read as follows:

“3330. Government-wide list of vacant positions.”.


[Total, Office of Personnd Management, $11,816,991,000.]
PUBLIC LAW 104–52—NOV. 19, 1995

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES


UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $33,269,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the “Independent Agencies Appropriations Act, 1996”.

[Total, title IV, Independent Agencies, $12,385,489,000.]

TITLE V—GENERAL PROVISIONS

THIS ACT

Sec. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 503. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.
TREASURY, POSTAL, GEN’L GOV’T APPROPRIATIONS, 1996

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SEC. 504. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 505. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 506. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 507. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 508. The Office of Personnel Management may, during the fiscal year ending September 30, 1996, accept donations of supplies, services, land and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 509. The United States Secret Service may, during the fiscal year ending September 30, 1996, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 512. Notwithstanding any provision of this or any other Act, during the fiscal year ending September 30, 1996, and thereafter, no funds may be obligated or expended in any way to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 513. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and
has satisfactorily completed his period of active military or naval
service and has within ninety days after his release from such
service or from hospitalization continuing after discharge for a
period of not more than one year made application for restoration
to his former position and has been certified by the Office of Person-
nel Management as still qualified to perform the duties of his
former position and has not been restored thereto.

SEC. 514. None of the funds made available in this Act may
be used to provide any non-public information such as mailing
or telephone lists to any person or any organization outside of
the Federal Government without the approval of the House and
Senate Committees on Appropriations.

SEC. 515. Compliance With Buy American Act.—No funds
appropriated pursuant to this Act may be expended by an entity
unless the entity agrees that in expending the assistance the entity
will comply with sections 2 through 4 of the Act of March 3,
1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American
Act”).

SEC. 516. Sense of Congress; Requirement Regarding
Notice.—(a) Purchase of American-Made Equipment and Pro-
ducts.—In the case of any equipment or products that may be
authorized to be purchased with financial assistance provided under
this Act, it is the sense of the Congress that entities receiving
such assistance should, in expending the assistance, purchase only
American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing finan-
cial assistance under this Act, the Secretary of the Treasury shall
provide to each recipient of the assistance a notice describing the
statement made in subsection (a) by the Congress.

SEC. 517. Prohibition of Contracts.—If it has been finally
determined by a court or Federal agency that any person inten-
tionally affixed a label bearing a “Made in America” inscription,
or any inscription with the same meaning, to any product sold
in or shipped to the United States that is not made in the United
States, such person shall be ineligible to receive any contract or
subcontract made with funds provided pursuant to this Act, pursu-
ant to the debarment, suspension, and ineligibility procedures
described in section 9.400 through 9.409 of title 48, Code of Federal
Regulations.

SEC. 518. Except as otherwise specifically provided by law,
not to exceed 50 percent of unobligated balances remaining available
at the end of fiscal year 1996 from appropriations made available
for salaries and expenses for fiscal year 1996 in this Act, shall
remain available through September 30, 1997 for each such account
for the purposes authorized: Provided, That a request shall be
submitted to the House and Senate Committees on Appropriations
for approval prior to the expenditure of such funds.

SEC. 519. Where appropriations in this Act are expendable
for travel expenses of employees and no specific limitation has
been placed thereon, the expenditures for such travel expenses
may not exceed the amount set forth therefore in the budget esti-
mates submitted for appropriations without the advance approval
of the House and Senate Committees on Appropriations: Provided,
That this section shall not apply to travel performed by uncompen-
sated officials of local boards and appeal boards in the Selective
Service System; to travel performed directly in connection with
care and treatment of medical beneficiaries of the Department
of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

SEC. 520. Notwithstanding any other provision of law or regulation: (1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 521. Section 5378 of title 5, United States Code, is amended by adding: "(8) Chief—not more than the maximum rate payable for GS-14.".

SEC. 522. Subchapter III of chapter 51 of subtitle IV of title 31, United States Code, is amended by adding at the end thereof the following new section: "SEC. 5136. UNITED STATES MINT PUBLIC ENTERPRISE FUND. THERE SHALL BE ESTABLISHED IN THE TREASURY OF THE UNITED STATES, A UNITED STATES MINT PUBLIC ENTERPRISE FUND (THE "FUND") FOR FISCAL YEAR 1996 AND HEREAFTER: Provided, That all receipts from Mint operations and programs, including the production and sale of numismatic items, the production and sale of circulating coinage, the protection of Government assets, and gifts and bequests of property, real or personal shall be deposited into the Fund and shall be available without fiscal year limitations: Provided further, That all expenses incurred by the Secretary of the Treasury for operations and programs of the United States Mint that the Secretary of the Treasury determines, in the Secretary's sole discretion, to be ordinary and reasonable incidents of Mint operations and programs, and any expense incurred pursuant to any obligation or other commitment of Mint operations and programs that was entered into before the establishment of the Fund, shall be paid out of the Fund: Provided further, That not to exceed 6.2415 percent of the nominal value of the coins minted, shall be paid out of the Fund for the circulating coin operations and programs in fiscal year 1996 for those operations and programs previously provided for by appropriation: Provided further, That the Secretary of the Treasury may borrow such funds from the General Fund as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues.
into the Fund: Provided further, That the General Fund shall be reimbursed for such funds by the Fund within one year of the date of the loan: Provided further, That the Fund may retain receipts from the Federal Reserve System from the sale of circulating coins at face value for deposit into the Fund (retention of receipts is for the circulating operations and programs): Provided further, That the Secretary of the Treasury shall transfer to the Fund all assets and liabilities of the Mint operations and programs, including all Numismatic Public Enterprise Fund assets and liabilities, all receivables, unpaid obligations and unobligated balances from the Mint's appropriation, the Coinage Profit Fund, and the Coinage Metal Fund, and the land and buildings of the Philadelphia Mint, Denver Mint, and the Fort Knox Bullion Depository: Provided further, That the Numismatic Public Enterprise Fund, the Coinage Profit Fund and the Coinage Metal Fund shall cease to exist as separate funds as their activities and functions are subsumed under and subject to the Fund, and the requirements of 31 USC 5134(c)(4), (c)(5)(B), and (d) and (e) of the Numismatic Public Enterprise Fund shall apply to the Fund: Provided further, That at such times as the Secretary of the Treasury determines appropriate, but not less than annually, any amount in the Fund that is determined to be in excess of the amount required by the Fund shall be transferred to the Treasury for deposit as miscellaneous receipts: Provided further, That the term “Mint operations and programs” means (1) the activities concerning, and assets utilized in, the production, administration, distribution, marketing, purchase, sale, and management of coinage, numismatic items, the protection and safeguarding of Mint assets, and those non-Mint assets in the custody of the Mint, and the Fund; and (2) includes capital, personnel salaries and compensation, functions relating to operations, marketing, distribution, promotion, advertising, official reception and representation, the acquisition or replacement of equipment, the renovation or modernization of facilities, and the construction or acquisition of new buildings: Provided further, That the term “numismatic item” includes any medal, proof coin, uncirculated coin, bullion coin, numismatic collectible, other monetary issuances and products and accessories related to any such medal or coin: Provided further, That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Mint programs and operations.

Sec. 523. Section 531 of Public Law 103-329, is amended by inserting, “of the first section”, after “adding at the end”. 3 USC 102 note.

Sec. 524. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions, after the last day of the contract currently in force for any such negotiated plan.

Sec. 525. The provision of section 524 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or that the pregnancy is the result of an act of rape or incest.

Sec. 526. Notwithstanding any other provision of law, the Administrator of General Services shall delegate the authority to procure automatic data processing equipment for the Tax Systems Modernization Program to the Secretary of the Treasury: Provided,
That the Director of the Office of Management and Budget shall have the authority to revoke such delegation upon the written recommendation of the Administrator that the Secretary's actions under such delegation are inconsistent with the goals of economic and efficient procurement and utilization of automatic data processing equipment: Provided further, That for all other purposes, a procurement conducted under such delegation shall be treated as if made under a delegation by the Administrator pursuant to 40 U.S.C. 759.

SEC. 527. RELIEF OF CERTAIN PERIODICAL PUBLICATIONS.—For mail classification purposes under section 3626 of title 39, United States Code, and any regulations of the United States Postal Service for the administration of that section, a weekly second-class periodical publication which—

(i) is eligible to publish legal notices under any applicable laws of the State where it is published;

(ii) is eligible to be mailed at the rates for mail under former subsection 4358 (a), (b), and (c) of title 39, United States Code, as limited by current subsection 3626(g) of that title; and

(iii) the pages of which were customarily secured by 2 staples before March 19, 1989; shall not be considered to be a bound publication solely because its pages continue to be secured by 2 staples after that date.

SEC. 528. (a) Prior to February 15, 1996, none of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington metropolitan region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, prior to February 15, 1996, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington metropolitan region.

SEC. 529. Section 4 of the Presidential Protection Assistance Act of 1976, Public Law 94–524, is amended by striking “$75,000” and inserting in lieu thereof “$200,000”.

SEC. 530. No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF–360; Re: Notice Nos. 782, 780, 91F009P.

SEC. 531. Section 5542 of title 5, United States Code, is amended by adding the following new subsection at the end:

“(e) Notwithstanding subsection (d)(1) of this section, all hours of overtime work scheduled in advance of the administrative workweek shall be compensated under subsection (a) if that work involves duties as authorized by section 3056(a) of title 18, United States Code, and if the investigator performs, on that same day, at least 2 hours of overtime work not scheduled in advance of the administrative workweek.”.
SECTION 601. Funds appropriated in this Act or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1996 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by officers and employees of such department, agency, or instrumentality.

Sec. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

Sec. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuel vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

Sec. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

Sec. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on
the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People’s Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia;
services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Sec. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

Sec. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: Provided, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Sec. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

Sec. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

Sec. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or
enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1996, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 617 of the Treasury, Postal Service and General Government Appropriations Act, 1995, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1996, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 617; and

(2) during the period consisting of the remainder of fiscal year 1996, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1996 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1996 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1995 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1995, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1995, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1995.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or
basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Sec. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Sec. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

Sec. 619. Notwithstanding section 1346 of title 31, United States Code, or Sec. 613 of this Act, funds made available for fiscal year 1996 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

Sec. 620. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: Provided, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

Sec. 621. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not
created solely or primarily in order to detail the employee to the
White House.

(b) The provisions of this section shall not apply to Federal
employees or members of the armed services detailed to or from—
(1) the Central Intelligence Agency;
(2) the National Security Agency;
(3) the Defense Intelligence Agency;
(4) the offices within the Department of Defense for the
collection of specialized national foreign intelligence through
reconnaissance programs;
(5) the Bureau of Intelligence and Research of the Depart-
ment of State;
(6) any agency, office, or unit of the Army, Navy, Air
Force, and Marine Corps, the Federal Bureau of Investigation
and the Drug Enforcement Administration of the Department
of Justice, the Department of Transportation, the Department
of the Treasury, and the Department of Energy performing
intelligence functions; and
(7) the Director of Central Intelligence.

SEC. 622. No department, agency, or instrumentality of the
United States receiving appropriated funds under this or any other
Act for fiscal year 1996 shall obligate or expend any such funds,
unless such department, agency or instrumentality has in place,
and will continue to administer in good faith, a written policy
designed to ensure that all of its workplaces are free from discrimi-
nation and sexual harassment and that all of its workplaces are
not in violation of title VII of the Civil Rights Act of 1964, as
amended, the Age Discrimination in Employment Act of 1967, and

SEC. 623. No part of any appropriation contained in this Act
may be used to pay for the expenses of travel of employees, including
employees of the Executive Office of the President, not directly
responsible for the discharge of official governmental tasks and
duties: Provided, That this restriction shall not apply to the family
of the President, Members of Congress or their spouses, Heads
of State of a foreign country or their designee(s), persons providing
assistance to the President for official purposes, or other individuals
so designated by the President.

SEC. 624. Notwithstanding any provision of law, the President,
or his designee, must certify to Congress, annually, that no person
or persons with direct or indirect responsibility for administering
the Executive Office of the President's Drug-Free Workplace Plan
are themselves subject to a program of individual random drug
testing.

SEC. 625. (a) Beginning in fiscal year 1996 and thereafter,
for each Federal agency, except the Department of Defense (which
has separate authority), and except as provided in Public Law
102–393, title IV, section 13 (40 U.S.C. 490g) with respect to the
Fund established pursuant to 40 U.S.C. 490(f), an amount equal
to 50 percent of—
(1) the amount of each utility rebate received by the agency
for energy efficiency and water conservation measures, which
the agency has implemented; and
(2) the amount of the agency's share of the measured
energy savings resulting from energy-savings performance con-
tracts,
may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) The remaining 50 percent of each rebate, and the remaining 50 percent of the amount of the agency's share of savings from energy-savings performance contracts, shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

SEC. 627. (a) None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 628. No funds appropriated in this or any other Act for fiscal year 1996 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections
641, 793, 794, 798, and 952 of title 18, United States Code, and
section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C.
section 783(b)). The definitions, requirements, obligations, rights,
sanctions and liabilities created by said Executive Order and listed
statutes are incorporated into this agreement and are controlling:
Provided, That notwithstanding the preceding paragraph, a non-
disclosure policy form or agreement that is to be executed by a
person connected with the conduct of an intelligence or intelligence-
related activity, other than an employee or officer of the United
States Government, may contain provisions appropriate to the
particular activity for which such document is to be used. Such
form or agreement shall, at a minimum, require that the person
will not disclose any classified information received in the course
of such activity unless specifically authorized to do so by the United
States Government. Such nondisclosure forms must also make it
clear that they do not bar disclosures to Congress or to an author-
ized official of an executive agency or the Department of Justice
that are essential to reporting a substantial violation of law.

SEC. 629. (a) None of the funds appropriated by this or any
other Act may be expended by any Federal Agency to procure
any product or service that is subject to the provisions of Public
Law 89−306 and that will be available under the procurement
by the Administrator of General Services known as “FTS2000”
unless—
(1) such product or service is procured by the Administrator
of General Services as part of the procurement known as
“FTS2000”; or
(2) that agency establishes to the satisfaction of the
Administrator of General Services that—
(A) that agency’s requirements for such procurement
are unique and cannot be satisfied by property and service
procured by the Administrator of General Services as part
of the procurement known as “FTS2000”; and
(B) the agency procurement, pursuant to such delega-
tion, would be cost-effective and would not adversely affect
the cost-effectiveness of the FTS2000 procurement.
(b) After July 31, 1996, subsection (a) shall apply only if the
Administrator of General Services has reported that the FTS2000
procurement is producing prices that allow the Government to
satisfy its requirements for such procurement in the most cost-
effective manner.

(c) The Comptroller General of the United States shall conduct
and deliver a comprehensive analysis of the cost to the Federal
Government of all Federal agency telecommunications services and
traffic, by agency, and provide such report to the House and Senate
Committees on Appropriations by no later than May 31, 1996:
Provided, That such report shall (1) identify which agencies are
using FTS2000 systems; (2) determine whether or not such usage
is cost-effective; and (3) provide a comparison of telecommunication
costs between agencies that use or do not use FTS2000.

SEC. 630. (a) Section 4−607(18) of title 4 of the District of
Columbia Code is amended by inserting “the United States Secret
Service Uniformed Division, the United States Secret Service Divi-

Reports.
(b) Section 4–622 of title 4 of the District of Columbia Code, is amended—

(A) in subsection (b)(1)(A) by striking out “Of the basis upon which the annuity, relief, or retirement compensation being received by such former member at the time of death was computed” and inserting in lieu thereof “Of the adjusted average pay of such former member”; 
(B) in subsection (c)(1)(A)(ii), by striking out “The basis upon which the former member’s annuity at the time of death was computed” and inserting in lieu thereof “The adjusted average pay of the former member”; and 
(C) in subsection (c)(2)(B), by striking out the colon after “United States Secret Service Division” through clause (iii) and inserting in lieu thereof “, 75 percent of the adjusted average pay of the former member, divided by the number of eligible children; or”.

Sec. 631. (a) Section 5402 of title 39, United States Code, is amended—

(1) in subsection (f) by striking out “During the period beginning January 1, 1985, and ending January 1, 1999, the” and inserting in lieu thereof “The”;
(2) in subsection (g)(1) by amending subparagraph (D) to read as follows: “(D) have provided scheduled service within the State of Alaska for at least 12 consecutive months with aircraft—
“(i) up to 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at an applicable intra-Alaska bush service mail rate; and
“(ii) over 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at the intra-Alaska mainline service mail rate.”.

(b)(1) Subject to paragraph (2), the amendment made by subsection (a) shall be effective on and after August 1, 1995.
(2) Subparagraph (D) of section 5402(g)(1) title 39, United States Code (as in effect before the amendment made under subsection (a)), shall apply to a carrier, if such carrier—

(A) has an application pending before the Department of Transportation for approval under section 41102 or 41110(e) of title 39, United States Code, before August 1, 1995; and
(B) would meet the requirements of such subparagraph if such application were approved and such certificate were purchased.

(c) Section 41901(g) of title 49, United States Code, is repealed.

Sec. 632. LIMITATION ON USE OF FUNDS FOR THE PROVISION OF CERTAIN FOREIGN ASSISTANCE.—

(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—
(1) with respect to a loan or extension of credit for more than 60 days, unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.

(b) Waiver of Limitations.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) Expedited Procedures for a Resolution of Disapproval.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within thirty calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) Reference to Committees.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing and Urban Affairs, and in the House of Representatives, to the appropriate committees.

(2) Discharge of Committees.—(A) If the committee of either House to which a resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) A motion to discharge may be made only by an individual favoring the resolution, and is privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) Floor Consideration in the Senate.—(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and
controllable by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(4) In the case of a resolution, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(5) For purposes of this subsection, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress disapproves the action of the President under section 632(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1996, notice of which was submitted to the Congress on .”, with the blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1996.

SEC. 633. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1996 in the rates of basic pay for the statutory pay systems.

SEC. 634. Notwithstanding any other provision of law, the United States Customs Service shall transfer, without consideration, to the National Warplane Museum in Geneseo, New York, 2 seized and forfeited A-37 Dragonfly jets for display and museum purposes.

SEC. 636. This section may be cited as the “Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act”.

(a) As used in this section—

(1) the term “Federal agency” means—

(A) an Executive agency as defined in section 105 of title 5, United States Code; and

(B) each entity specified in subparagraphs (B) through (H) of section 5721(1) of title 5, United States Code;
(2) the term "Federal building" means—
   (A) any building or other structure owned in whole
       or in part by the United States or any Federal agency,
       including any such structure occupied by a Federal agency
       under a lease agreement; and
   (B) includes the real property on which such building
       is located;
(3) the term "minor" means an individual under the age
   of 18 years; and
(4) the term "tobacco product" means cigarettes, cigars,
   little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing
   tobacco.

(b)(1) No later than 45 days after the date of the enactment
    of this Act, the Administrator of General Services and the head
    of each Federal agency shall promulgate regulations that prohibit—
    (A) the sale of tobacco products in vending machines located
        in or around any Federal building under the jurisdiction of
        the Administrator or such agency head; and
    (B) the distribution of free samples of tobacco products
        in or around any Federal building under the jurisdiction of
        the Administrator or such agency head.
(2) The Administrator of General Services or the head of an
    agency, as appropriate, may designate areas not subject to the
    provisions of paragraph (1), if such area also prohibits the presence
    of minors.

(c) No later than 90 days after the date of enactment of this
    Act, the Administrator of General Services and each head of an
    agency shall prepare and submit, to the appropriate committees
    of Congress, a report that shall contain—
    (1) verification that the Administrator or such head of
        an agency is in compliance with this section; and
    (2) a detailed list of the location of all tobacco product
        vending machines located in Federal buildings under the
        administration of the Administrator or such head of an agency.

(d)(1) No later than 45 days after the date of the enactment
    of this Act, the Senate Committee on Rules and Administration
    and the House of Representatives Committee on House Oversight,
    after consultation with the Architect of the Capitol, shall promulgate
    regulations under the Senate and House of Representatives rule-
    making authority that prohibit the sale of tobacco products in
    vending machines in the Capitol Buildings.
(2) Such committees may designate areas where such prohibi-
    tion shall not apply, if such area also prohibits the presence
    of minors.
(3) For the purpose of this section the term "Capitol Buildings"
    shall have the same meaning as such term is defined under section
    16(a)(1) of the Act entitled "An Act to define the area of the
    United States Capitol Grounds, to regulate the use thereof, and
    for other purposes", approved July 31, 1946 (40 U.S.C. 193m(1)).
(e) Nothing in this section shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under subsection (b)(1).

SEC. 637. NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.—

(a) FINDINGS.—The Congress finds the following:

(1) While the budget for the Internal Revenue Service (hereafter referred to as the “IRS”) has risen from $2.5 billion in fiscal year 1979 to $7.3 billion in fiscal year 1996, tax returns processing has not become significantly faster, tax collection rates have not significantly increased, and the accuracy and timeliness of taxpayer assistance has not significantly improved.

(2) To date, the Tax Systems Modernization (TSM) program has cost the taxpayers $2.5 billion, with an estimated cost of $8 billion. Despite this investment, modernization efforts were recently described by the GAO as “chaotic” and “ad hoc”.

(3) While the IRS maintains that TSM will increase efficiency and thus revenues, Congress has had to appropriate additional funds in recent years for compliance initiatives in order to increase tax revenues.

(4) Because TSM has not been implemented, the IRS continues to rely on paper returns, processing a total of 14 billion pieces of paper every tax season. This results in an extremely inefficient system.

(5) This lack of efficiency reduces the level of customer service and impedes the ability of the IRS to collect revenue.

(6) The present status of the IRS shows the need for the establishment of a Commission which will examine the organization of IRS and recommend actions to expedite the implementation of TSM and improve service to taxpayers.

(b) COMPOSITION OF THE COMMISSION.—

(1) ESTABLISHMENT.—To carry out the purposes of this section, there is established a National Commission on Restructuring the Internal Revenue Service (in this section referred to as the “Commission”).

(2) COMPOSITION.—The Commission shall be composed of thirteen members, as follows:

(A) Five members appointed by the President, two from the executive branch of the Government, two from private life, and one from an organization that represents a substantial number of Internal Revenue Service employees.

(B) Two members appointed by the Majority Leader of the Senate, one from Members of the Senate and one from private life.

(C) Two members appointed by the Minority Leader of the Senate, one from Members of the Senate and one from private life.

(D) Two members appointed by the Speaker of the House of Representatives, one from Members of the House of Representatives and one from private life.

(E) Two members appointed by the Minority Leader of the House of Representatives, one from Members of the House of Representatives and one from private life.
The Commissioner of the Internal Revenue Service shall be an ex officio member of the Commission.

(3) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

(4) MEETING; QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Committee should be appointed not more than 60 days after the date of the enactment of this section.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this section, seven or more members of the Commission have been appointed, members who have been appointed may meet and select a Chairman who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed one year from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a final report of the results of the review, including recommendations for restructuring the IRS.

(2) REVIEW.—The Commission shall review—

(A) the present practices of the IRS, especially with respect to—

(i) its organizational structure;

(ii) its paper processing and return processing activities;

(iii) its infrastructure; and

(iv) the collection process;

(B) requirements for improvement in the following areas:

(i) making returns processing "paperless";

(ii) modernizing IRS operations;

(iii) improving the collections process without major personnel increases or increased funding;

(iv) improving taxpayer accounts management;

(v) improving the accuracy of information requested by taxpayers in order to file their returns; and

(vi) changing the culture of the IRS to make the organization more efficient, productive, and customer-oriented;

(C) whether the IRS could be replaced with a quasi-governmental agency with tangible incentives and internally managing its programs and activities and for modernizing its activities, and
(D) whether the IRS could perform other collection, information, and financial service functions of the Federal Government.

d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—(A) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may deem advisable.

(B) Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairman of the Commission, the chairman of any designated subcommittee, or any designated member, and may be served by any person designated by such Chairman, subcommittee chairman, or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—(A) The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(B) The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(C) In addition to the assistance set forth in subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) STAFF OF THE COMMISSION.—
(1) IN GENERAL.—The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—(A) Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) FINAL REPORT OF COMMISSION; TERMINATION.—

(1) FINAL REPORT.—Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the Congress its final report, as described in subsection (c)(2).

(2) TERMINATION.—(A) The Commission, and all the authorities of this section, shall terminate on the date which is 60 days after the date on which a final report is required to be transmitted under paragraph (1).

(B) The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its final report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—Such sums as may be necessary are authorized to be appropriated for the activities of the Commission.
(i) **Appropriations.**—Notwithstanding any other provision of this Act, $1,000,000 shall be available from fiscal year 1996 funds appropriated to the Internal Revenue Service, “Information systems” account, for the activities of the Commission, to remain available until expended.

**Sec. 638.** The Administrator of General Services shall, within six months of enactment of this Act, report to Congress on the feasibility of leasing agreements with State and local governments and private sponsors for the construction of border stations on the borders of the United States with Canada and Mexico whereby—

(1) lease payments shall not exceed 30 years for payment of the purchase price and interest;

(2) an agreement entered into under such provisions shall provide for the title to the property and facilities to vest in the United States on or before the expiration of the contract term, on fulfillment of the terms and conditions of the agreement.

**Sec. 639. Transfer of Certain Federal Property in New Jersey.**—The first section of the Act entitled “An Act transferring certain Federal property to the city of Hoboken, New Jersey”, approved September 27, 1982 (Public Law 97-268; 96 Stat. 1140), is amended—

(1) in subsection (a), by adding “and” at the end; and

(2) by striking “Stat. 220), and” in subsection (b) and all that follows through “New Jersey; concurrent with” and inserting the following: “Stat. 220); concurrent with”.

**Sec. 640.** Service performed during the period January 1, 1984, through December 31, 1986, which would, if performed after that period, be considered service as a law enforcement officer, as defined in section 8401(17) (A)(i)(II) and (B) of title 5, United States Code, shall be deemed service as a law enforcement officer for the purposes of chapter 84 of such title.

This Act may be cited as the “Treasury, Postal Service, and General Government Appropriations Act, 1996”.

Approved November 19, 1995.
Grand total, Treasury, Postal Service, and General
Government Appropriations Act, 1996 ...................... 1 $22,965,844,000
Limitations ............................................................ (5,321,201,305)

Note.—In addition to the total in the annual appropriations act, the following amounts are available for the Department of the Treasury, General Services Administration, Office of Personnel Management, and General Government for fiscal year 1996:

Permanent appropriations:
Federal funds:
   Department of the Treasury ........................................... 392,729,187,000
   General Government—independent agencies .................... 7,086,421,000
   General Services Administration .................................... 312,342,000
   Office of Personnel Management .................................. 12,811,759,000
Trust funds:
   Department of the Treasury ........................................... 3,249,000
   General Government—independent agencies .................... 12,166,903,000
   Office of Personnel Management .................................. 39,744,283,000

Extension of the deduction for health insurance costs for the self-employed (Public Law 104–7):
   Department of the Treasury: Internal Revenue Service:
      Payment where earned income credit exceeds liability for tax, Federal funds ........................................... –18,000,000
Alaska Native Claims Settlement Act (Public Law 104–42):
   General Services Administration: Operating expenses, Federal funds ..................................................... 1,000,000
   Office of Personnel Management: Civil service retirement and disability fund, Federal funds ................................ –2,000,000
Smithsonian Institution Sesquicentennial Commemorative Coin Act (Public Law 104–96):
   Department of the Treasury: United States Mint:
      Numismatic public enterprise fund, Federal funds ........... 3,000,000
Farm Credit System Regulatory Relief Act (Public Law 104–105):
   Farm Credit System Insurance Corporation: Farm Credit System insurance fund, Federal funds .................. –1,000,000
Advance appropriations for fiscal year 1996 made during previous session of Congress: 103d, Cong., 1st session:
   Corporation for Public Broadcasting ................................ 312,000,000
Disaster Assistance Supplemental, 1995 (Public Law 104–19):
   Corporation for Public Broadcasting (rescission) ................ –37,000,000
   Federal Emergency Management Agency .......................... 3,275,000,000
Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1996:
   Department of the Treasury: Payments to the Farm Credit System financial Assistance Corporation ............. 15,453,000
   Commodity Futures Trading Commission ........................ 53,601,000

1 Consisting of total appropriations of $23,163,754,000 and adjustments of –$197,910,000.
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996:

- Arms Control and Disarmament Agency ........................................ 38,700,000
- Commission for the Preservation of America's Heritage Abroad ................................................................. 206,000
- Commission on Civil Rights .................................................... 8,750,000
- Commission on Immigration Reform ........................................ 1,894,000
- Commission on Security and Cooperation in Europe ................ 1,090,000
- Competitiveness Policy Council ............................................. 50,000
- Equal Employment Opportunity Commission ............................... 233,000,000
- Federal Communications Commission ......................................... 59,309,000
- Federal Maritime Commission .................................................. 14,855,000
- Federal Trade Commission ....................................................... 31,306,000
- International Trade Commission .............................................. 40,000,000
- Japan-United States Friendship Commission .............................. 1,247,000
- Legal Services Corporation .................................................... 278,000,000
- Marine Mammal Commission ................................................... 1,190,000
- Martin Luther King, Jr. Federal Holiday Commission ................... 350,000
- Office of the United States Trade Representative ....................... 20,889,000
- Ounce of Prevention Council .................................................. 1,500,000
- Securities and Exchange Commission ......................................... 103,445,000
- State Justice Institute ............................................................ 5,000,000
- United States Information Agency (net) .................................... 1,077,951,000

Department of Defense Appropriations Act, 1996:

- Central Intelligence Agency Retirement and Disability System Fund .......................................................... 213,900,000
- Intelligence Community Management Account ......................... 90,683,000
- National Security Education Trust Fund ................................... 7,500,000
- Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund ........................................ 25,000,000

District of Columbia Appropriations Act, 1996:

- Federal funds to the District of Columbia ................................ 712,070,000

Energy and Water Development Appropriations Act, 1996:

- Appalachian Regional Commission .......................................... 170,000,000
- Defense Nuclear Facilities Safety Board .................................... 17,000,000
- Delaware River Basin Commission ........................................... 771,000
- Interstate Commission on the Potomac River Basin ...................... 511,000
- Nuclear Regulatory Commission ............................................ 11,000,000
- Nuclear Waste Technical Review Board ................................... 2,531,000
- Susquehanna River Basin Commission .................................... 568,000
- Tennessee Valley Authority .................................................... 109,169,000

Department of Interior and Related Agencies Appropriations Act, 1996:

- Advisory Council on Historic Preservation ................................ 2,500,000
- Commission of Fine Arts (including National Capital Arts and Cultural Affairs) ........................................ 6,834,000
- Franklin Delano Roosevelt Memorial Commission ..................... 147,000
- Institute of American Indian and Alaska Native Culture and Arts Development ........................................ 5,500,000
- John F. Kennedy Center for the Performing Arts ......................... 19,306,000
- National Capital Planning Commission .................................... 5,090,000
- National Foundation on the Arts and the Humanities ................ 230,494,000
- National Gallery of Art ......................................................... 58,286,000
- Office of Navajo and Hopi Indian Relocation ............................. 20,345,000
- Smithsonian Institution ......................................................... 376,092,000
- United States Holocaust Memorial Council ................................ 28,707,000
- Woodrow Wilson International Center for Scholars .................... 5,840,000
Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996:

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<th>Agency</th>
<th>Amount</th>
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<tr>
<td>Corporation for National and Community Service</td>
<td>198,393,000</td>
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<td>Federal Mediation and Conciliation Service</td>
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<td>Federal Mine Safety and Health Review Commission</td>
<td>6,200,000</td>
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<tr>
<td>National Commission on Libraries and Information Science</td>
<td>829,000</td>
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<td>National Council on Disability</td>
<td>1,793,000</td>
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<tr>
<td>National Education Goals Panel</td>
<td>1,000,000</td>
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<td>National Labor Relations Board</td>
<td>170,743,000</td>
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<td>National Mediation Board</td>
<td>7,837,000</td>
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<tr>
<td>Occupational Safety and Health Review Commission</td>
<td>8,100,000</td>
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<tr>
<td>Railroad Retirement Board</td>
<td>222,147,000</td>
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<tr>
<td>United States Institute of Peace</td>
<td>11,500,000</td>
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<tr>
<td>1% cap on performance awards</td>
<td>−632,000</td>
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Department of Transportation and Related Agencies Appropriations Act, 1996:

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<tr>
<td>Architectural and Transportation Barriers Compliance Board</td>
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<td>Interstate Commerce Commission</td>
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<td>National Transportation Safety Board</td>
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Departments of Veterans Affairs and Housing and Urban Development, and dependent Agencies Appropriations Act, 1996:

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<tr>
<td>American Battle Monuments Commission</td>
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<tr>
<td>Community Development Financial Institutions</td>
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<tr>
<td>Consumer Product Safety Commission</td>
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<td>Corporation for National and Community Service</td>
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<tr>
<td>Court of Veterans Appeals</td>
<td>9,000,000</td>
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<tr>
<td>Executive Office of the President</td>
<td>7,131,000</td>
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<tr>
<td>Federal Emergency Management Agency</td>
<td>678,610,000</td>
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<tr>
<td>General Services Administration:</td>
<td></td>
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<tr>
<td>Consumer Information Center</td>
<td>2,061,000</td>
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<tr>
<td>National Science Foundation</td>
<td>3,220,000,000</td>
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<tr>
<td>Neighborhood Reinvestment Corporation</td>
<td>38,667,000</td>
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<tr>
<td>Resolution Trust Corporation</td>
<td>11,400,000</td>
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<tr>
<td>Selective Service System</td>
<td>22,930,000</td>
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Supplemental, Rescissions and Offsets, 1996 (Public Law 104-134):

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<tr>
<td>Department of the Treasury (offsets)</td>
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<tr>
<td>General Government— independent agencies</td>
<td>3,400,000</td>
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<tr>
<td>Rescission (rescission)</td>
<td>−1,000,000,000</td>
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<tr>
<td>General Services Administration (rescission)</td>
<td>−3,400,000</td>
</tr>
<tr>
<td>Federal administrative and personal services expenses (rescission)</td>
<td>−500,000,000</td>
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Net subtotal, additions                      475,869,157,802

Plus adjustments                            197,910,000

Net total                                   499,032,911,802

Consisting of:

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<td>Department of the Treasury</td>
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<tr>
<td>General Government— independent agencies (net)</td>
<td>31,835,927,802</td>
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<tr>
<td>General Services Administration</td>
<td>552,549,000</td>
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<tr>
<td>Office of Personnel Management</td>
<td>64,371,033,000</td>
</tr>
<tr>
<td>Federal administrative and personal services expenses (rescission)</td>
<td>−500,000,000</td>
</tr>
</tbody>
</table>
PUBLIC LAW 104–134—APR. 26, 1996

VETERANS AFFAIRS, HUD APPROPRIATIONS, 1996

110 STAT.

*Public Law 104–134
104th Congress

An Act

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

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

SECTION 101(e). For programs, projects or activities in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and Pensions

(Including Transfer of Funds)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as
VETERANS AFFAIRS, HUD APPROPRIATIONS, 1996

PUBLIC LAW 104–134—APR. 26, 1996

authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,331,561,000, to remain available until expended: Provided, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to “General operating expenses” and “Medical care” for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans’ Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the “Compensation and pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans’ Benefits Act of 1992 (38 U.S.C. chapter 55): Provided further, That $12,000,000 previously transferred from “Compensation and pensions” to “Medical facilities revolving fund” shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be
as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

DIRECT LOAN PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

EDUCATION LOAN FUND PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as

1 Limitation on direct loans.
amended, $205,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

[Total, Veterans Benefits Administration, $20,162,006,000.]

**VETERANS HEALTH ADMINISTRATION**

**MEDICAL CARE**

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,564,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

**MEDICAL AND PROSTHETIC RESEARCH**

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $257,000,000, plus reimbursements.

**MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES**

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.
For the cost of direct loans, $7,000, as authorized by Public Law 102-54, section 8, which shall be transferred from the "General post fund": Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102-54, section 8.

[Total, Veterans Health Administration, $16,884,602,000.]

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $848,143,000: Provided, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $3,206,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: Provided further, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: Provided further, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETARY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial...
expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL


CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $136,155,000, to remain available until expended: Provided, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: Provided further, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): Provided further, That no funds from any other account except the “Parking revolving fund”, may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: Provided further, That of the funds made available under this heading in Public Law 103-327, $7,000,000 shall be transferred to the “Parking revolving fund”.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services
of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000. $190,000,000, to remain available until expended, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: Provided, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from “Medical care”.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

[Total, Departmental Administration, $1,326,199,000.]

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for “Construction, major projects”, “Construction, minor projects”, and the “Parking revolving fund”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to
veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

Sec. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from “Compensation and pensions”.

Sec. 107. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: Provided, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: Provided further, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: Provided further, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

Sec. 108. CONSTRUCTION AUTHORIZATION—Authorization of major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996.

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount authorized for that project:

(1) Construction of an outpatient clinic in Brevard County, Florida, in the amount of $25,000,000.

(2) Construction of an outpatient clinic at Travis Air Force Base in Fairfield, California, in the amount of $25,000,000.

(3) Construction of an ambulatory care addition at the Department of Veterans Affairs medical center in Boston, Massachusetts in the amount of $28,000,000.

(4) Construction of a medical research addition at the Department of Veterans Affairs medical center in Portland, Oregon, an additional authorization in the amount of $16,000,000, for a total amount of $32,100,000.

(b) AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES—The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Fort Myers, Florida, in the amount of $1,736,000.
(2) Lease of a National Footwear Center in New York, New York, in the amount of $1,054,000.

(c) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1996—

1. $94,000,000 for the major medical facility projects authorized in subsection (a); and
2. $2,790,000 for the major medical facility leases authorized in subsection (b).

(d) LIMITATION—The projects authorized in subsection (a) may only be carried out using—

1. funds appropriated for fiscal year 1996 and subsequent fiscal years pursuant to the authorization of appropriations in subsection (c).
2. funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1996 that remain available for obligation; and
3. funds appropriated for Construction, Major Projects for fiscal year 1996 for a category of activity not specific to a project.

(e) LIMITATION CONCERNING OUTPATIENT CLINIC PROJECTS—In the case of either of the projects for a new outpatient clinic authorized in paragraphs (1) and (2) of subsection (a)—

1. the Secretary of Veterans Affairs may not obligate any funds for that project until the Secretary determines, and certifies to the Committees on Veterans’ Affairs of the Senate and House of Representatives, the amount required for the project; and
2. the amount obligated for the project may not exceed the amount certified under paragraph (1) with respect to that project.

SEC. 109. (a) DESIGNATION.—The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the “Jonathan M. Wainwright Memorial VA Medical Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in subsection (a) shall be deemed to be a reference to the “Jonathan M. Wainwright Memorial VA Medical Center”.

[Total, title I, Department of Veterans Affairs, $38,372,807,000.]

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended (“the Act” herein) (42 U.S.C. 1437), not otherwise provided for, $9,818,795,000 to remain available until expended:

Provided, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): Provided further, That of the total amount provided under this head, $2,500,000,000 shall
be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program, or for carrying out activities under section 6(j) of the Act: Provided further, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this head, $4,007,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading “Renewal of expiring section 8 subsidy contracts”: Provided further, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: Provided further, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $192,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: Provided further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted
to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: Provided further, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: Provided further, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA), or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): Provided, That prior to August 15, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: Provided further, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: Provided further, That with respect to amounts made available by this paragraph, after August 15, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: Provided further, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: Provided further, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by April 15, 1996: Provided further, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: Provided further, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: Provided further, That the Secretary may give priority to funding and processing the following projects provided that the funding
is obligated not later than September 15, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than August 15, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact, or in practical effect, suspended, deferred, or interrupted for a period of nine months or more because of differing interpretations, by the Secretary and an owner concerning the time of the ability of an uninsured section 236 property to prepay or by the Secretary and a State or local rent regulatory agency, concerning the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: Provided further, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: Provided further, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: Provided further, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: Provided further, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): Provided further, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded: Provided further, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act,
but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: Provided further, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: Provided further, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

Of the total amount provided under this heading, and in addition to funds otherwise earmarked in the previous paragraph, for section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act, $75,000,000: Provided, That $50,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and $25,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided further, That such additional sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting
tenants to be displaced by the demolition, $480,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies based upon, among other relevant criteria, the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: Provided further, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): Provided further, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: Provided further, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: Provided further, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: Provided further, That of the foregoing $480,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided further, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

FLEXIBLE SUBSIDY FUND
(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(i) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE
(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: Provided, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 1996.

\[^1\] Limitation on annual contract authority.
PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,800,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901-11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearing-house services authorized by 42 U.S.C. 11921-11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: Provided, That the term “drug-related crime”, as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, $1,400,000,000, to remain available until expended.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739); Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

Net total, Housing programs, $14,597,676,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and

2 Limitation on guaranteed loans.
the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: Provided, That $50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $2,000,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $27,000,000 shall be available for “special purpose grants” pursuant to section 107 of such Act: Provided further, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for “Planning and Management Development” and “Administration” as defined in regulations promulgated by the Department of Housing and Urban Development: Provided further, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: Provided further, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: Provided, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: Provided further, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: Provided further, That the Secretary shall require applicants to dem-

42 USC 5306 note.

42 USC 5305 note.
onstrate firm commitments of funding or services from other sources: Provided further, That the Secretary shall select public and Indian housing agencies to receive assistance under this heading on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103–233, on a competitive basis as required by section 102 of the HUD Reform Act.

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000: Provided further, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo,
New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

**Policy Development and Research**

**Research and Technology**

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

**Fair Housing and Equal Opportunity**

**Fair Housing Activities**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

**Management and Administration**

**Salaries and Expenses**

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, and $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

**Office of Inspector General**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,850,000, of which $11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

1 Direct appropriation plus $542,558,000 transfer.
2 Transfer.
3 Direct appropriation plus $11,283,000 transfer.
PUBLIC LAW 104–134—APR. 26, 1996

VETERANS AFFAIRS, HUD APPROPRIATIONS, 1996

110 STAT.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: Provided, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: Provided, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: Provided further, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of modifying such loans, $85,000,000, to remain available until expended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $17,400,000,000: Provided further, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally obligations of the funds established under sections

1 Limitation on guaranteed loans.
2 Limitation on direct loans.
Provided further, That the Secretary may use any negative subsidy amounts, to remain available until expended, from the sale of such assigned mortgage notes, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: Provided further, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

**Government National Mortgage Association**

**Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account**

(Denotes transfer of funds)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guarantee loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

1 Limitation on direct loans.

2 Limitation on guaranteed loans.
SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—
 Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

“(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement, replacement of public housing, other capital purposes, and for associated management improvements, and such other extraordinary purposes as may be approved by the Secretary. Low-income and very low-income units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects do not meet other requirements of this Act.

“(2) A public housing agency may provide assistance to developments that include units, other than units assisted under this Act (except for units assisted under section 8 hereof) (‘mixed income developments’), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

“(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

“(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended.

“Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income and very low-income families referred from time to time by the public housing agency. The number of such units shall be:

“(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

“(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

“(iii) as may otherwise be approved by the Secretary.
“(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

“(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.”

(2) Applicability.—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) Applicability to IHAs.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) One-for-One Replacement of Public and Indian Housing.—

(1) Extended Authority.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

“(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.”.

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: “No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved, by a court.”.

(3) Applicability.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.
SEC. 202. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—
(1) that are on the same or contiguous sites;
(2) that total more than 300 dwelling units;
(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;
(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and
(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—
(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.
(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—
(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;
(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or
(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;
the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—
(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.
(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act, to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based
or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term “development” shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

SEC. 203. (a) “TAKE-ONE, TAKE-ALL”.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after “section” the following: “(other than a contract for assistance under the certificate or voucher program)”; and

(2) in the first sentence of paragraph (9), by striking “(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))” and inserting “, other than a contract under the certificate or voucher program”.

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting “during the term of the lease,” after “(ii)”; and

(2) in clause (iii), by striking “provide that” and inserting “during the term of the lease,”.

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

SEC. 204. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this
section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) Application.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) Selection.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative perform-
ance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) **Applicability of 1937 Act Provisions.**—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) **Effect on Section 8, Operating Subsidies, and Comprehensive Grant Program Allocations.**—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) **Records, Reports, and Audits.**—

(1) **Keeping of Records.**—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) **Reports.**—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) **Access to Documents by the Secretary.**—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) **Access to Documents by the Comptroller General.**—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) **Evaluation and Report.**—

(1) **Consultation with PHA and Family Representatives.**—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) **Report to Congress.**—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) **Funding for Technical Assistance and Evaluation.**—

From amounts appropriated for assistance under section 14 of the
United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—
(1) to provide, directly or by contract, training and technical assistance—
(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and
(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and
(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

Sec. 205. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not more than 15,000 units over fiscal years 1993 and 1994” and inserting “on not more than 7,500 units during fiscal year 1996”.
(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995” and inserting “on not more than 12,000 units during fiscal year 1996”.

FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

Sec. 206. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES

Sec. 207. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

TRANSFER OF SECTION 8 AUTHORITY

Sec. 208. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:
“(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another

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contract. The transfer shall be under such terms as the Secretary may prescribe.”.

DOCUMENTATION OF MULTIFAMILY REFINANCINGS

SEC. 209. Notwithstanding the 16th paragraph under the item relating to “administrative provisions” in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

FHA MULTIFAMILY DEMONSTRATION AUTHORITY

SEC. 210. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.
In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or
third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;
(2) the geographic locations of the projects, by State and region;
(3) the physical and financial condition of the projects;
(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;
(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;
(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;
(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;
(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and
(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

Sec. 211. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) Timing of payment.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.".

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Sec. 212. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

Sec. 213. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL-TEX-215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX-41-PFL0162, issued under title II of the Housing Amendments of Hubbard Hospital Authority, Texas.

- $96,000,000

Groveton Texas Hospital Authority, Texas.
110 STAT. 1955. Such hospital authority is relieved of all liability to the
Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any
fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall
cancel the indebtedness of the Hepzibah Public Service District
of Hepzibah, West Virginia, relating to the public facilities loan
for Project Number WV-46-PFL0031, issued under title II of the
Housing Amendments of 1955. Such public service district is
relieved of all liability to the Government for the outstanding prin-
cipal balance on such loan, for the amount of accrued interest
on such loan, and for any fees and charges payable in connection
with such loan.

CLARIFICATIONS

SEC. 214. For purposes of Federal law, the Paul Mirabile Center
in San Diego, California, including areas within such Center that
are devoted to the delivery of supportive services, has been deter-
mined to satisfy the “continuum of care” requirements of the Depart-
ment of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain
sleeping accommodations and kitchen and bathroom facilities,
(ii) are located in a building that is used exclusively to facilitate
the transition of homeless individuals (within the meaning
of section 103 of the Stewart B. McKinney Homeless Assistance
Act (42 U.S.C. 11302), as in effect on December 19, 1989)
to independent living within 24 months, (iii) are suitable for
occupancy, with each cubicle constituting a separate bedroom
and residential unit, (iv) are used on other than a transient
basis, and (v) shall be originally placed in service on November
1, 1995; and

(b) property that is entirely residential rental property,
namely, a project for residential rental property.

EMPLOYMENT LIMITATIONS

SEC. 215. (a) By the end of fiscal year 1996 the Department
of Housing and Urban Development shall employ no more than
eight Assistant Secretaries, notwithstanding section 4(a) of the
Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing
and Urban Development shall employ no more than 77 schedule
C and 20 non-career senior executive service employees.

USE OF FUNDS

SEC. 216. (a) Of the $93,400,000 earmarked in Public Law
101±144 (103 Stat. 850), as amended by Public Law 101±302 (104
Stat. 237), for special projects and purposes, any amounts remaining
of the $500,000 made available to Bethlehem House in Highland,
California, for site planning and loan acquisition shall instead be
made available to the County of San Bernardino in California
to assist with the expansion of the Los Padrinos Gang Intervention
Program, the Unity Home Domestic Violence Shelter, and San
Bernardino Drug Court Program.

(b) The amount made available for fiscal year 1995 for the
removal of asbestos from an abandoned public school building in
Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

LEAD-BASED PAINT ABATEMENT

Sec. 217. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike “priority housing” wherever it appears in said section and insert “housing”.

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: “Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

“(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

“(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

“(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.”.

EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

Sec. 218. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking “for a period not to exceed 6 years”.

MORTGAGE NOTE SALES

Sec. 219. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking “September 30, 1995” and inserting in lieu thereof “September 30, 1996”.

REPEAL OF FROST-LELAND


FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

Sec. 221. (a) Correction to Foreclosure Avoidance Provision.—The penultimate proviso of section 204(a) of the National
Housing Act (12 U.S.C. 1710(a)), as added by section 407(a) of the Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by striking “special foreclosure” and inserting in lieu thereof “special forebearance”.

(b) SAVINGS PROVISION.—(1) Any mortgage for which the mortgagor has applied to the Secretary, before the date of enactment of this Act, for assignment to the Secretary pursuant to section 230(b) of the National Housing Act shall continue to be governed by the provisions of such section, as in effect immediately before enactment of the Balanced Budget Downpayment Act, I.

(2) Section 230(d) of the National Housing Act, as amended by section 407(b) of the Balanced Budget Downpayment Act, I, is repealed.

(c) REGULATIONS.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement section 407 of the Balanced Budget Downpayment Act, I, and the amendments to the National Housing Act made by that section.

(2) Section 407(d) of the Balanced Budget Downpayment Act, I, is repealed.

(d) EXTENSION OF REFORM TO MORTGAGES ORIGINATED IN FISCAL YEAR 1996.—Section 407(c) of the Balanced Budget Downpayment Act, I, is amended by striking “originated before October 1, 1995” and inserting “executed before October 1, 1996”.

SPENDING LIMITATIONS

SEC. 222. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 224. None of the funds provided in this Act many be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

CDBG ELIGIBLE ACTIVITIES

SEC. 225. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting “reconstruction,” after “removal,”; and
(B) by striking “acquisition for rehabilitation, and rehabilitation” and inserting “acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation”; (2) in paragraph (13), by striking “and” at the end; (3) by striking paragraph (19); (4) in paragraph (24), by striking “and” at the end; (5) in paragraph (25), by striking the period at the end and inserting “; and”; (6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and (7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

SEC. 226. The Secretary shall award for the community development grants program, as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for the State of New York, not more than 35 percent of the funds made available for fiscal year 1996 for grants allocated for any multi-year commitment. The Secretary shall issue proposed and final rulemaking for the requirements of the community development grants program for the State of New York before issuing a Notice of Funding Availability for funds made available for fiscal year 1997.

SEC. 227. All funds allocated for the State of New York for fiscal years 1995 and 1996 under the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

SEC. 228. (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended— (1) by striking “or (ii)” and inserting “(ii)”; and (2) by striking “located,” and inserting: “located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located.”.

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase “on a unit-by-unit basis” after “collected”.

TECHNICAL CORRECTION TO MINIMUM RENT AUTHORITY

SEC. 229. Section 402(a) of the Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by inserting after “as amended,” the following: “or section 206(d) of the Housing and Urban-Rural Recovery Act of 1983 (including section 206(d)(5) of such Act),”.

MINIMUM RENT WAIVER AUTHORITY

SEC. 230. Notwithstanding section 402(a) of the Balanced Budget Downpayment Act, I (Public Law 104–99), the Secretary of Housing and Urban Development or a public housing agency
(including an Indian housing authority) may waive the minimum rent requirement of that section to provide a transition period for affected families. The term of a waiver approved pursuant to this section may be retroactive, but may not apply for more than three months with respect to any family.

**TITLE III**

**INDEPENDENT AGENCIES**

**AMERICAN BATTLE MONUMENTS COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: Provided, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: Provided further, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: Provided further, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

**DEPARTMENT OF THE TREASURY**

**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND**

**PROGRAM ACCOUNT**

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, $45,000,000, to remain available until September 30, 1997: Provided, That of the funds made available under this heading not to exceed $4,000,000 may be used for the cost of direct loans, and not to exceed $400,000 may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $28,440,000: Provided further, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspec-
CONSUMER PRODUCT SAFETY COMMISSION

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials’ contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the “Act”) (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: Provided, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): Provided further, That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): Provided further, That, to the maximum extent feasible, funds appropriated in the
preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): Provided further, That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-Federal cost of supporting participants in community service activities: Provided further, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs: Provided further, That prior to September 30, 1996, the General Accounting Office shall report to the Congress the results of a study of State commission programs which evaluates the cost per participant, the commissions’ ability to oversee the programs, and other relevant considerations.

SENSE OF CONGRESS

It is the sense of the Congress that accounting for taxpayers’ funds must be a top priority for all Federal agencies and Government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation’s Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers’ funds. Should the Chief Financial Officer determine that additional resources are needed
to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,946,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations
which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,677,300,000, which shall remain available until September 30, 1997: Provided, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger,

(2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and

(3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.  

[Total, $40,000,000.]

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $110,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (el)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,313,400,000, to remain available until expended, consisting of $1,063,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of

1 Transfer from Hazardous Substance Superfund, trust fund portion.
2 Transfer from Leaking Underground Storage Tanks, trust fund portion.
1986 (SARA), as amended by Public Law 101–508 (of which, $100,000,000 shall not become available until September 1, 1996), and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

[Total, Hazardous substance superfund, 2 $1,302,400,000.]

LEAKING UNDERGROUND STORAGE TANK TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: Provided, That no more than $7,000,000 shall be available for administrative expenses: Provided further, That $500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

[Total, LUST $45,327,000.]

OIL SPILL RESPONSE
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: Provided, That not more than $8,000,000 of these funds shall be available for administrative expenses.

1 Transfer to Office of Inspector General.
2 Trust fund.
3 Limitation on administrative expenses.
For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,813,000,000 to remain available until expended, of which $1,848,500,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing: $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $141,500,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Reports and statements of the managers accompanying H.R. 2099 and this Act: Provided, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: Provided further, That of the $1,848,500,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by August 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by August 1, 1996: Provided further, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: Provided further, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation...
tion for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: Provided further, That the funds made available in Public Law 103-327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103-715, shall be available for a grant to that city for water and sewer improvements.

ADMINISTRATIVE PROVISIONS

Sec. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

Sec. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as “Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline” at volume 59 of the Federal Register at pages 22800 through 22814.

Sec. 303. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

Sec. 304. Notwithstanding any other provision of law, the Environmental Protection Agency shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than $3,000,000 from funds previously appropriated for the CERT project for the purpose of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project. The disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity.

Further, notwithstanding any other provision of law, the agency shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

[Total, EPA, $6,528,027,000.]
for necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: Provided, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,150,000.

Federal Emergency Management Agency

Disaster Relief

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $222,000,000, to remain available until expended.

Disaster Assistance Direct Loan Program Account

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended; Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000. In addition, for administrative expenses to carry out the direct loan program, $95,000.

Salaries and Expenses

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $168,900,000.

1Limitation on direct loans.
OFFICE OF THE INSPECTOR GENERAL


$4,673,000

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE


203,044,000

EMERGENCY FOOD AND SHELTER PROGRAM

Notwithstanding any other provision of law, for fiscal year 1996, there is hereby appropriated a total of $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: Provided, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

100,000,000

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

$20,562,000

$70,464,000

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, Rules.

1 Limitation on administrative expenses.
and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

[Total, Federal Emergency Management Agency, $678,610,000.]

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations of the Consumer Information Center in fiscal year 1996 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,800,000: Provided, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,110,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: Provided further, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance: construction of facilities including repair; rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law: space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,456,600,000, to remain available until September 30, 1997.

1 Limitation on administrative expenses.
For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,928,900,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,502,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL


ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in “Mission support” pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.
Notwithstanding the limitation on the availability of funds appropriated for “Mission support” and “Office of Inspector General”, amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: Provided further, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

Notwithstanding section 202 of Public Law 104–99, section 212 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

[Total, NASA, $13,903,700,000.]

**National Credit Union Administration**

**Central Liquidity Facility**

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

**National Science Foundation**

**Research and Related Activities**

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,314,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for
reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: Provided, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.
OFFICE OF INSPECTOR GENERAL


NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: Provided, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

[Total, NSF, $3,220,000,000.]

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

[Total, title III, Independent agencies, $24,931,637,000.]

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as herein-after provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso

22,930,000

38,667,000

22,930,000
shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

**RESOLUTION TRUST CORPORATION**

**OFFICE OF INSPECTOR GENERAL**


**TITLE V**

**GENERAL PROVISIONS**

Sec. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

Sec. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Sec. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

Sec. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 505. No funds appropriated by this Act may be expended—
SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evalua-
public law 104-134—april 26, 1996

veterans affairs, hud appropriations, 1996

110 stat.

tions, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

Sec. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

Sec. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

Sec. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

Sec. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Sec. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

Sec. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

Sec. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

Sec. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

Sec. 521. Upon enactment of this Act, the provisions of section 201(b) of Public Law 104–99, except the last proviso, are superseded. This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

Ante, p. 36.
Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):
HOUSE REPORTS: No. 104–537 (Comm. of Conference).
SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 7, considered and passed House.
Mar. 11–15, 18, 19, considered and passed Senate, amended.
Apr. 25, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Apr. 26, Presidential statement.

H.R. 2099

Conference:
House recessed and concurred with Senate amendment numbered 63 with an amendment: December 7, 1995.
Senate agreed to House amendment to the Senate Amendment numbered 63: December 14, 1995.

Presidential Action:
Vetoed December 18, 1995.
Veto message (House Report 104–148):
Referred to Committee: December 18, 1995.
Net grand total, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 ........................................ $82,442,966,000

Appropriations ................................ (82,641,085,000)
Rescissions .................................. (−198,119,000)
By transfer .................................. (17,561,000)
Limitation on administrative expenses .......... (108,628,000)
Limitation on annual contract authority, indefinite ... (−2,000,000)
Limitation on direct loans ................ (984,238,000)
Limitation on guaranteed loans ................. (238,900,000)
Limitation on corporate funds ................ (554,401,000)

NOTE.—In addition to the total in the annual appropriations act, the following amounts are available for the Departments of Veterans Affairs, and Housing and Urban Development and the Environmental Protection Agency and the National Aeronautics and Space Administration for fiscal year 1996:

Permanent appropriations:

Federal funds:
Department of Housing and Urban Development .................. 642,970,000
Department of Veterans Affairs ............................................... 134,053,000
Environmental Protection Agency ...........................................
National Aeronautics and Space Administration ...........................

Trust funds:
Department of Veterans Affairs ............................................... 1,400,346,000
Environmental Protection Agency ...........................................
National Aeronautics and Space Administration ....................... 1,368,000

Supplemental, Rescissions and Offsets, 1996 (Public Law 104-134):
Department of Housing and Urban Development .................. 50,000,000

Subtotal, additions ................................................................. 2,428,747,000

Deduct amounts transferred to Department of Defense—Civil functions, Department of Health and Human Services, General Government, and General Services Administration totals:

Department of Defense—Civil functions:
Cemeterial expenses, Army .................................................. 11,946,000
Department of Health and Human Services:
Office of Consumer Affairs .................................................... 1,800,000
General Government:
American Battle Monuments Commission .................. 20,265,000
Community Development Financial Institutions ............... 45,000,000
Consumer Product Safety Commission .................... 40,000,000
Corporation for National and Community Service ........... 402,500,000
Court of Veterans Appeals ............................................. 9,000,000
Executive Office of the President ......................... 7,131,000
Federal Emergency Management Agency ................... 678,610,000
National Science Foundation .......................... 3,220,000,000
Neighborhood Reinvestment Corporation ................. 38,667,000
Resolution Trust Corporation .................................. 11,400,000
Selective Service System ........................................... 22,930,000
General Services Administration:
Consumer Information Center ........................................... 2,061,000

Net subtotal, deductions .................................................. (4,511,310,000)

Net total ............................................................................ 80,360,403,000

Consisting of:
Department of Housing and Urban Affairs (net) ............ 19,820,092,000
Department of Veterans Affairs ..................................... 39,907,206,000
Environmental Protection Agency ............................ 6,728,037,000
National Aeronautics and Space Administration .......... 13,905,068,000
CONTINUING APPROPRIATIONS
FOR FISCAL YEAR 1996

PUBLIC LAW 104-31;  PUBLIC LAW 104-94;
PUBLIC LAW 104-54;  PUBLIC LAW 104-99;
PUBLIC LAW 104-56;  PUBLIC LAW 104-116;
PUBLIC LAW 104-69;  PUBLIC LAW 104-118;
PUBLIC LAW 104-90;  PUBLIC LAW 104-122;
PUBLIC LAW 104-91;  PUBLIC LAW 104-131
PUBLIC LAW 104-92;
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

109 STAT. PUBLIC LAW 104–31—SEPT. 30, 1995

Public Law 104–31
104th Congress

An Act

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996;
The Department of Defense Appropriations Act, 1996, notwithstanding section 504(a)(1) of the National Security Act of 1947;
The District of Columbia Appropriations Act, 1996;
The Energy and Water Development Appropriations Act, 1996;
The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;
The Department of the Interior and Related Agencies Appropriations Act, 1996;
The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996;
The Legislative Branch Appropriations Act, 1996;
The Military Construction Appropriations Act, 1996;

NOTE.—Provided funding for various government activities for the period October 1 through November 13, 1995.
The Department of Transportation Appropriations Act, 1996;

The Treasury, Postal Service, and General Government Appropriations Act, 1996;

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1995, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1995, the pertinent project or activity shall be continued at a rate for operations not exceeding the average of the rates permitted by the action of the House or the Senate under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is included in only one version of the Act as passed by both Houses as of October 1, 1995, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations that is one-half of that permitted by the action of the one House under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1995, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995.

Sec. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: Provided, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

Sec. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

Sec. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.
SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 13, 1995, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

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

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, whenever an Act listed in section 101 as passed by both the House and Senate as of October 1, 1995, does not include funding for an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of October 1, 1995, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 10 percent.
Sec. 112. Notwithstanding any other provision of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to a level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

Sec. 113. Notwithstanding any other provision of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

Sec. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

Sec. 115. Notwithstanding any other provision of this joint resolution, except section 106, the rates for operation for any continuing project or activity provided by section 101 that have not been increased by the provisions of section 111 or section 112 shall be reduced by 5 percent but shall not be reduced below the minimal level defined in section 111 or below the level that would result in a furlough.

Sec. 116. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this joint resolution. Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $217,000,000 above the amount otherwise made available by this joint resolution.

Sec. 117. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the Conference Report on the Legislative Branch Appropriations Act, 1996, House Report 104–212, shall be followed when applying the funding made available by this joint resolution.

Sec. 118. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this joint resolution as the number of days covered by this resolution bears to 366.

Sec. 119. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this joint resolution, notwithstanding paragraph (3) of said subsection.
SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103–352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 121. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this resolution to 366 and multiplied further by 1.27.


LEGISLATIVE HISTORY—H.J. Res. 108:
Sept. 28, considered and passed House.
Sept. 29, considered and passed Senate.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

109 STAT. PUBLIC LAW 104–54—NOV. 19, 1995

Public Law 104–54
104th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receivables, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I
CONTINUING APPROPRIATIONS

Sec. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:


The Department of Defense Appropriations Act, 1996, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1996;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;

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

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996;

The Legislative Branch Appropriations Act, 1996, H.R. 2492;

Note.—Provided funding for various government activities for the period November 14 through November 20, 1995.
The Department of Transportation Appropriations Act, 1996;
The Treasury, Postal Service, and General Government Appropriations Act, 1996;
The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996:
Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is funded in the applicable appropriations Act for the fiscal year 1995 and not included in the version passed by the one House as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account
and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: Provided, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

Sec. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

Sec. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

Sec. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

Sec. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 20, 1995, whichever first occurs. For purposes of this joint resolution, the period of time covered by this joint resolution shall be considered to have begun on November 14, 1995.

Sec. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Sec. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

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

Sec. 111. Notwithstanding any other provision of this joint resolution, except section 106, whenever an Act listed in section 101 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for
an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 113. Notwithstanding any other provision of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 115. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this joint resolution. Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the conference report on the Legislative Branch Appropriations Act, 1996, House Report 104–212, shall be followed when applying the funding made available by this joint resolution.
SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this joint resolution as the number of days covered by this resolution bears to 366.

SEC. 118. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this joint resolution, notwithstanding paragraph (3) of said subsection.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103–352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 120. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this resolution to 366 and multiplied further by 1.27.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations of the following projects or activities shall be only the minimum necessary to accomplish orderly termination:
   - Administrative Conference of the United States;
   - Advisory Commission on Intergovernmental Relations (except that activities to carry out the provisions of Public Law 104–4 may continue);
   - Interstate Commerce Commission;
   - Pennsylvania Avenue Development Corporation;
   - Land and Water Conservation Fund, State Assistance; and
   - Office of Surface Mining Reclamation and Enforcement, Rural Abandoned Mine Program.
TITLE II

SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.

(a) WAIVER.—The provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of any of the following measures of the first session of the One Hundred Fourth Congress presented to the President after the enactment of this joint resolution:

(1) A continuing resolution.
(2) A debt limit extension measure.
(3) A reconciliation bill.

(b) CERTIFICATION BY COMMITTEE ON HOUSE OVERSIGHT.—The enrollment of a measure to which subsection (a) applies shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

SEC. 202. DEFINITIONS.

As used in this joint resolution:

(1) CONTINUING RESOLUTION.—The term “continuing resolution” means a bill or joint resolution that includes provisions making further continuing appropriations for fiscal year 1996.

(2) DEBT LIMIT EXTENSION MEASURE.—The term “debt limit extension measure” means a bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code.

(3) RECONCILIATION BILL.—The term “reconciliation bill” means a bill that is a reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

Approved November 19, 1995.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

109 STAT. PUBLIC LAW 104–56—NOV. 20, 1995

Public Law 104–56
104th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I
CONTINUING APPROPRIATIONS

Sec. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:


The Department of Defense Appropriations Act, 1996, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1996;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;

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

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996;

The Legislative Branch Appropriations Act, 1996, H.R. 2492;

NOTE.—Provided funding for various government activities for the period through December 15, 1995.
The Department of Transportation Appropriations Act, 1996;
The Treasury, Postal Service, and General Government Appropriations Act, 1996;
The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is funded in the applicable appropriations Act for the fiscal year 1995 and not included in the version passed by the one House as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account.
and an R–1 line item which includes a program element and subpro-
gram element within an appropriation account, for which appropria-
tions, funds, or other authority were not available during the fiscal
year 1995: Provided, That no appropriation or funds made available
or authority granted pursuant to section 101 for the Department
of Defense shall be used to initiate multiyear procurements utilizing
advance procurement funding for economic order quantity procure-
ment unless specifically appropriated later.

Sec. 103. Appropriations made by section 101 shall be available
to the extent and in the manner which would be provided by
the pertinent appropriations Act.

Sec. 104. No appropriation or funds made available or authority
granted pursuant to section 101 shall be used to initiate or resume
any project or activity for which appropriations, funds, or other
authority were not available during the fiscal year 1995.

Sec. 105. No provision which is included in an appropriations
Act enumerated in section 101 but which was not included in
the applicable appropriations Act for fiscal year 1995 and which
by its terms is applicable to more than one appropriation, fund,
or authority shall be applicable to any appropriation, fund, or
authority provided in this joint resolution.

Sec. 106. Unless otherwise provided for in this joint resolution
or in the applicable appropriations Act, appropriations and funds
made available and authority granted pursuant to this joint resolu-
tion shall be available until (a) enactment into law of an appropri-
ation for any project or activity provided for in this joint resolution,
or (b) the enactment into law of the applicable appropriations
Act by both Houses without any provision for such project or activ-
ity, or (c) December 15, 1995, whichever first occurs.

Sec. 107. Appropriations made and authority granted pursuant
to this joint resolution shall cover all obligations or expenditures
incurred for any program, project, or activity during the period
for which funds or authority for such project or activity are available
under this joint resolution.

Sec. 108. Expenditures made pursuant to this joint resolution
shall be charged to the applicable appropriation, fund, or authoriza-
tion whenever a bill in which such applicable appropriation, fund,
or authorization is contained is enacted into law.

Sec. 109. No provision in the appropriations Act for the fiscal
year 1996 referred to in section 101 of this joint resolution that
makes the availability of any appropriation provided therein
dependent upon the enactment of additional authorizing or other
legislation shall be effective before the date set forth in section
106(c) of this joint resolution.

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

Sec. 111. Notwithstanding any other provision of this joint
resolution, except section 106, whenever an Act listed in section
101 as passed by both the House and Senate as of the date of
enactment of this joint resolution, does not include funding for
an ongoing project or activity for which there is a budget request,
or whenever an Act listed in section 101 has been passed by only
the House or only the Senate as of the date of enactment of
this joint resolution, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 113. Notwithstanding any other provision of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 115. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this joint resolution. Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $16,575,016 above the amount otherwise made available by this joint resolution, for reimbursement to the United States of funds loaned for certain capital improvement projects pursuant to Public Law 81–364, as amended; Public Law 85–451, as amended; and Public Law 86–515, as amended, including interest as required thereby.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the conference report on the Legislative Branch Appropriations Act, 1996, House Report 104–212, shall be followed when applying the funding made available by this joint resolution.
SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this joint resolution as the number of days covered by this joint resolution bears to 366.

SEC. 118. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this joint resolution, notwithstanding paragraph (3) of said subsection.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103–352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 120. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this joint resolution to 366.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations of the following projects or activities shall be only the minimum necessary to accomplish orderly termination:

Administrative Conference of the United States;
Advisory Commission on Intergovernmental Relations (except that activities to carry out the provisions of Public Law 104–4 may continue);
Interstate Commerce Commission;
Pennsylvania Avenue Development Corporation;
Land and Water Conservation Fund, State Assistance; and Office of Surface Mining Reclamation and Enforcement,
Rural Abandoned Mine Program.
SEC. 124. COMPENSATION AND RATIFICATION OF AUTHORITY.—
(a) Any Federal employees furloughed as a result of a lapse in
appropriations, if any, after midnight November 13, 1995, until
the enactment of this joint resolution shall be compensated at
their standard rate of compensation for the period during which
there was a lapse in appropriations.

All obligations incurred in anticipation of the appropriations
made and authority granted by this Act for the purposes of
maintaining the essential level of activity to protect life and prop-
erty and bring about orderly termination of Government functions
are hereby ratified and approved if otherwise in accord with the
provisions of this joint resolution.

TITLE II

SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.
(a) WAIVER.—The provisions of sections 106 and 107 of title
1, United States Code, are waived with respect to the printing
(on parchment or otherwise) of the enrollment of any of the following
measures of the first session of the One Hundred Fourth Congress
presented to the President after the enactment of this joint resolu-
tion:
(1) A continuing resolution.
(2) A debt limit extension measure.
(3) A reconciliation bill.

(b) CERTIFICATION BY COMMITTEE ON HOUSE OVERSIGHT.—The
enrollment of a measure to which subsection (a) applies shall be
in such form as the Committee on House Oversight of the House
of Representatives certifies to be a true enrollment.

SEC. 202. DEFINITIONS.
As used in this joint resolution:
(1) CONTINUING RESOLUTION.—The term “continuing resolu-
tion” means a bill or joint resolution that includes provisions
making further continuing appropriations for fiscal year 1996.
(2) DEBT LIMIT EXTENSION MEASURE.—The term “debt limit
extension measure” means a bill or joint resolution that
includes provisions increasing or waiving (for a temporary
period or otherwise) the public debt limit under section 3101(b)
of title 31, United States Code.
(3) RECONCILIATION BILL.—The term “reconciliation bill”
means a bill that is a reconciliation bill within the meaning

SEC. 203. COMMITMENT TO A SEVEN-YEAR BALANCED BUDGET.
(a) The President and the Congress shall enact legislation in
the first session of the 104th Congress to achieve a balanced budget
not later than the fiscal year 2002 as estimated by the Congressional
Budget Office, and the President and the Congress agree that
the balanced budget must protect future generations, ensure Medi-
care solvency, reform welfare, and provide adequate funding for
Medicaid, education, agriculture, national defense, veterans, and
the environment. Further, the balanced budget shall adopt tax
policies to help working families and to stimulate future economic
growth.

(b) The balanced budget agreement shall be estimated by the
Congressional Budget Office based on its most recent current eco-
nomic and technical assumptions, following a thorough consultation
and review with the Office of Management and Budget, and other Government and private experts.


LEGISLATIVE HISTORY—H.J. Res. 122:
Nov. 15, considered and passed House.
Nov. 16, considered and passed Senate.
Nov. 19, reconsidered and passed Senate, amended.
Nov. 20, House concurred in amendment.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

109 STAT. PUBLIC LAW 104–69–DEC. 22, 1995

Public Law 104–69
104th Congress

Joint Resolution

Dec. 22, 1995

[H.J. Res. 136]

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

TITLE I

AID TO FAMILIES WITH DEPENDENT CHILDREN AND FOSTER CARE AND ADOPTION ASSISTANCE

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995:

All projects and activities funded under the account heading “Family support payments to States” under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading “Payments to States for foster care and adoption assistance” under the Administration For Children and Families in the Department of Health and Human Services; and

All administrative activities necessary to carry out the projects and activities in the preceding two paragraphs:

Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be avail-

NOTE.—Provided targeted funding for AFDC, foster care, the District of Columbia, and veterans compensation and pensions through January 3, 1996.
able or granted under such Act as passed by the Senate as of
the date of enactment of this joint resolution, the pertinent project
or activity shall be continued at a rate for operations not exceeding
the current rate or the rate permitted by the action of the House
or the Senate, whichever is lower, under the authority and condi-
tions provided in the applicable appropriations Act for the fiscal
year 1995.

(c) Whenever an Act which included funding for fiscal year
1996 for the projects and activities listed in this section has been
passed by only the House or only the Senate as of the date of
enactment of this joint resolution, the pertinent project or activity
shall be continued under the appropriation, fund, or authority
granted by the one House at a rate for operations not exceeding
the current rate or the rate permitted by the action of the one
House, whichever is lower, and under the authority and conditions
provided in the applicable appropriations Act for the fiscal year
1995.

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

Sec. 103. No appropriation or funds made available or authority
granted pursuant to section 101 shall be used to initiate or resume
any project or activity for which appropriations, funds, or other
authority were not available during the fiscal year 1995.

Sec. 104. No provision which is included in the appropriations
Act enumerated in section 101 but which was not included in
the applicable appropriations Act for fiscal year 1995 and which
by its terms is applicable to more than one appropriation, fund,
or authority shall be applicable to any appropriation, fund, or
authority provided in this joint resolution.

Sec. 105. Appropriations made and authority granted pursuant
to this title of this joint resolution shall cover all obligations or
expenditures incurred for any program, project, or activity during
the period for which funds or authority for such project or activity
are available under this joint resolution.

Sec. 106. Unless otherwise provided for in this title of this
joint resolution or in the applicable appropriations Act, appropri-
tions and funds made available and authority granted pursuant
to this title of this joint resolution shall be available until (a)
enactment into law of an appropriation for any project or activity
provided for in this title of this joint resolution, or (b) the enactment
into law of the applicable appropriations Act by both Houses without
any provision for such project or activity, or (c) January 3, 1996,
whichever first occurs.

Sec. 107. Expenditures made pursuant to this title of this
joint resolution shall be charged to the applicable appropriation,
fund, or authorization whenever a bill in which such applicable
appropriation, fund, or authorization is contained is enacted into
law.

Sec. 108. No provision in the appropriations Act for the fiscal
year 1996 referred to in section 101 of this joint resolution that
makes the availability of any appropriation provided therein
dependent upon the enactment of additional authorizing or other
legislation shall be effective before the date set forth in section
106(c) of this joint resolution.

Sec. 109. Appropriations and funds made available by or
authority granted pursuant to this title of this joint resolution

Termination
date.
may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

TITLE II

DISTRICT OF COLUMBIA

The following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 201. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995:

Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 211 or 212 under the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 202. Appropriations made by section 201 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 203. No appropriation or funds made available or authority granted pursuant to section 201 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 204. No provision which is included in the appropriations Act enumerated in section 201 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund,
or authority shall be applicable to any appropriation, fund, or authority provided in this title of this joint resolution.

Sec. 205. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this joint resolution.

Sec. 206. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 3, 1996, whichever first occurs.

Sec. 207. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Sec. 208. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 209. No provision in the appropriations Act for the fiscal year 1996 referred to in section 201 of this title of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 206(c) of this joint resolution.

Sec. 210. Appropriations and funds made available by or authority granted pursuant to this title of this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 211. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the Act listed in section 201 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 201 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 201 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes
of this title of this joint resolution the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 212. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the rate for operations for any continuing project or activity provided by section 201 or section 211 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 213. Notwithstanding any other provision of this title of this joint resolution, except sections 206, 211, and 212, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this joint resolution that would impinge on final funding prerogatives.

SEC. 214. This title of this joint resolution shall be implemented so that only the most limited funding action of that permitted in this title of this joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 215. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this joint resolution.

SEC. 216. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this joint resolution otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE III

VETERANS AFFAIRS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs,
projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 302. Section 301 shall cease to be effective on January 3, 1996.

Approved December 22, 1995.

LEGISLATIVE HISTORY—H.J. Res. 136:
Dec. 22, considered and passed House and Senate.
Dec. 22, Presidential statement.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

Public Law 104–90—JAN. 4, 1996

110 STAT. 288

Joint Resolution

Public Law 104–90
104th Congress

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

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

That the following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

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

NOTE.—Provided targeted funding for the District of Columbia through January 25, 1996.
SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this joint resolution.

SEC. 106. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 25, 1996, whichever first occurs.

SEC. 107. Notwithstanding any other provision of this title of this joint resolution, except section 106, none of the funds appropriated under this title of this joint resolution shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 108. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this title of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

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

SEC. 111. Notwithstanding any other provision of this title of this joint resolution, except section 106, whenever the Act listed in section 101 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued...
under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of this title of this joint resolution the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

Sec. 112. Notwithstanding any other provision of this title of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

Sec. 113. Notwithstanding any other provision of this title of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this resolution that would impinge on final funding prerogatives.

Sec. 114. This title of this joint resolution shall be implemented so that only the most limited funding action of that permitted in this title of this resolution shall be taken in order to provide for continuation of projects and activities.

Sec. 115. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this joint resolution.

Sec. 116. Notwithstanding any other provision of this title of this joint resolution, except section 106, none of the funds appropriated under this title of this joint resolution shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this joint resolution otherwise be
used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

Approved January 4, 1996.

LEGISLATIVE HISTORY—H.J. Res. 153:
CONGRESSIONAL RECORD, Vol. 142 (1996):
    Jan. 3, considered and passed House.
    Jan. 4, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
    Jan. 4, Presidential statement.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

An Act

To require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

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

TITLE I

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

NOTE.—Excludes section 1 which transferred various lands from the Secretary of Commerce.
Title I provided targeted appropriations bill funding through September 30, 1996. Title II extends effective date of Indian water rights settlements.
All allowances paid under section 5(b) of the Peace Corps Act, 22 U.S.C. section 2504, notwithstanding section 10 of Public Law 91-672, at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-295) on the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (H.R. 1868), as passed by the House of Representatives on October 31, 1995;

All activities, including administrative expenses, necessary to process single-family mortgage loans and refinancing for low-income and moderate-income families funded under the Federal Housing Administration’s "FHA-mutual mortgage insurance program account" and "FHA-general and special risk program account" in the Department of Housing and Urban Development at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-384) on the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

All projects and activities directly related to the security of United States diplomatic posts and facilities abroad, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

Activities funded under the account heading “Emergency food and shelter program” in the Federal Emergency Management Agency: Provided, That, notwithstanding any other provision of this Act, the amount made available by this Act shall not exceed $46,000,000: Provided further, That not to exceed three and one-half per centum of the amount made available shall be for administrative costs;
All retirement pay and medical benefits for Public Health Services Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55) and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)) at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed by the House of Representatives on August 4, 1995;

All projects and activities of the Federal Bureau of Investigation, Drug Enforcement Administration, Interagency Crime and Drug Enforcement, Federal Prison System, United States Attorneys, United States Marshals Service, Federal Prisoner Detention, Fees and Expenses of Witnesses, Immigration and Naturalization Service, and the Executive Office for Immigration Review, necessary for the investigation and prosecution of criminal and civil offenses; national security; the apprehension, detention and removal of illegal and criminal aliens; the incarceration, detention, and movement of Federal prisoners and detainees; and the protection of the Federal judiciary at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities of the Judiciary to the extent and in the manner and at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to provide for the expenses of State surveys and certifications under the account heading “Program Management” under the Health Care Financing Administration in the Department of Health and Human Services;

Trade adjustment assistance benefits and North American Free Trade Act benefits funded under the account heading “Federal Unemployment Benefits and Allowances” under the Employment and Training Administration in the Department of Labor;

Payments to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds under the account heading “Payments to Health Care Trust Funds” under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities necessary to provide for the expenses of Medicare contractors under title XVIII of the Social Security Act under the account heading “Program Management”
under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities funded under the account heading “Grants to States for Medicaid” under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities of the National Institutes of Health in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed by the House of Representatives on August 4, 1995;

All projects and activities necessary to carry out the section 7(a) General Business Loan Guaranty Program and the section 504 Certified Development Company Program, as authorized by law, under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities funded under the account heading “Surety Bond Guarantees Revolving Fund” under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to accommodate visitors and to provide for visitors services on the public lands managed by the Bureau of Land Management at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities funded under the account heading “Disease Control, Research, and Training” under the Centers for Disease Control and Prevention in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, not to exceed an annual rate for new obligational authority of $2,114,693,000;

All Self-Determination and Self-Governance projects and activities of tribes or tribal organizations (as that term is defined in Public Law 93-638) that are authorized by Public Law 93-638 under the account heading “Operation of Indian Programs” under the Bureau of Indian Affairs in the Department of the Interior or under the account heading “Indian Health Services” under the Indian Health Service in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for
in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1777), as passed by the House of Representatives on December 13, 1995;

All projects and activities necessary to provide for the expenses of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf under the account heading "Gallaudet University" in the Department of Education;

Payments for benefits and interest on advances, together with expenses of operation and administration, under the account heading "Black Lung Disability Trust Fund" under the Employment Standards Administration in the Department of Labor; and

Payments for benefits, together with expenses of operation and administration, under the account heading "Special Benefits for Disabled Coal Miners" in the Social Security Administration:

Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

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

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which
by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

TITLE II

SECTION 201. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

(a) Extension.—Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking “December 31, 1995” and inserting “June 30, 1996”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of December 31, 1995, and with the consent of Prescott, Arizona, the contract referred to in such section 112(b) is revived.


(b) Effective Date.—

(1) In General.—The amendment made by subsection (a) shall take effect as of December 31, 1995.
(2) Lapsed provisions of law and contracts.—The provisions of subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act, together with each contract entered into pursuant to any such section or subsection (with the consent of the non-Federal parties thereto), shall be effective on and after the date of enactment of this Act, subject to the December 31, 1996, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section.

Approved January 6, 1996.

LEGISLATIVE HISTORY—H.R. 1358:
HOUSE REPORTS: No. 104–287 (Comm. on Resources).
CONGRESSIONAL RECORD:
Dec. 22, considered and passed Senate, amended.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

110 STAT. PUBLIC LAW 104–92—JAN. 6, 1996

Public Law 104–92
104th Congress

An Act

Making appropriations for certain activities for the fiscal year 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

Sec. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All nutrition services for the elderly under the account heading "Aging services programs" under the Administration on Aging in the Department of Health and Human Services;

All grants to States for child welfare services, authorized by title IV, part B, subpart 1, of the Social Security Act, under the account heading "Children and families services programs" under the Administration for Children and Families in the Department of Health and Human Services;

All Federal Parent Locator Service activities, as authorized by section 453 of the Social Security Act, under the account heading "Children and families services programs" under the Administration for Children and Families in the Department of Health and Human Services;

All State unemployment insurance administration activities under the account heading "State unemployment insurance and employment service operations" under the Employment and Training Administration in the Department of Labor;

All general welfare assistance payments and foster care payments, as authorized by law, funded under the account heading "Operation of Indian programs" under the Bureau of Indian Affairs in the Department of the Interior;

All projects and activities funded under the account heading "Family support payments to States" under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading "Payments to States for foster care and adoption assistance" under the Administration For Children and Families in the Department of Health and Human Services;

Note.—A bill providing funding for all excepted Federal employees, and providing targeted funding for various Federal programs, the District of Columbia, and others at various rates of operations and through specified dates.
All administrative activities necessary to carry out the projects and activities in the preceding two paragraphs;

All projects and activities funded under the account headings “Dual benefits payments account”, “Limitation on administration” and “Limitation on railroad unemployment insurance administration fund” under the Railroad Retirement Board;

All projects and activities necessary to accommodate visitors and to provide for visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the facilities operated by the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial; and

All projects and activities necessary to process visas and passports and to provide for American citizen services, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

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

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.
SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, except for the projects and activities under the headings “Family support payments to States” and “Payments to States for foster care and adoption assistance”, for which date shall be March 15, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

SEC. 111. Notwithstanding any other provision of this Act, except section 106, funds appropriated under section 101 for the payment of vested dual benefits under the Railroad Retirement Act shall be made available so as to fully fund the payments made on January 1, 1996, and the payments to be made within the period covered by this Act including those payments to be made on the first day of each month within the period covered by this Act. In addition to the funds appropriated under section 101 of this Act, $12,800,000 is appropriated to restore full funding for payments made for the period prior to January 1, 1996.

SEC. 112. Notwithstanding any other provision of this Act, except section 106, the authorities provided under subsection (a) of section 110 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this Act, notwithstanding paragraph (3) of said subsection.

TITLE II

VETERANS AFFAIRS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable
corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. Ensured Payment During Fiscal Year 1996 of Veterans’ Benefits in Event of Lack of Appropriations.—(a) Payments Required.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) Funding.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) Charging of Accounts When Appropriations Made.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) Existing Benefits Specified.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees excepted from the provisions of the Antideficiency Act (31 U.S.C. 1341 et seq.) who are continuing projects and activities conducted in fiscal year 1995 who work during periods when there is otherwise no funding authority for their salaries.
SEC. 302. Appropriations made by section 301 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 303. No appropriation or funds made available or authority granted pursuant to section 301 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 304. No provision which is included in the appropriations Act enumerated in section 301 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 305. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 306. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 26, 1996, whichever first occurs.

SEC. 307. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 308. No provision in the appropriations Act for the fiscal year 1996 referred to in section 301 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 306(c) of this Act.

SEC. 309. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 310. ALL FEDERAL EMPLOYEES DEEMED TO BE EXCEPTED EMPLOYEES.—(a) IN GENERAL.—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through January 26, 1996—

(1) by inserting after the first sentence “All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.”; and

(2) by striking out the last sentence.

SEC. 311. EXCEPTED EMPLOYEES UNDER NORMAL LEAVE POLICY.—Federal employees considered excepted from furlough during any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be

District of Columbia.
subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.—Notwithstanding any other provisions of law, beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.


TITLE IV

The following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the
fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

Sec. 402. Appropriations made by section 401 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

Sec. 403. No appropriation or funds made available or authority granted pursuant to section 401 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

Sec. 404. No provision which is included in the appropriations Act enumerated in section 401 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this Act.

Sec. 405. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

Sec. 406. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

Sec. 407. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Sec. 408. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 409. No provision in the appropriations Act for the fiscal year 1996 referred to in section 401 of this title of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 406(c) of this Act.

Sec. 410. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 411. Notwithstanding any other provision of this title of this Act, except section 406, whenever the Act listed in section 401 as passed by both the House and Senate as of the date of enactment of this Act does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 401 for which there is a budget request would result
in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 401 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 412. Notwithstanding any other provision of this title of this Act, except section 406, whenever the rate for operations for any continuing project or activity provided by section 401 or section 411 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366.

SEC. 413. Notwithstanding any other provision of this title of this Act, except sections 406, 411, and 412, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.

SEC. 414. This title of this Act shall be implemented so that only the most limited funding action of that permitted in this title of this Act shall be taken in order to provide for continuation of projects and activities.


SEC. 416. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be used to implement or enforce any system or registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE V

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. Clarification of Reimbursement to States for Federally Funded Employees.—(a) If a State used State funds
to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

(b) For purposes of this subsection, the term "State" shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

Approved January 6, 1996.

LEGISLATIVE HISTORY—H.R. 1643:
HOUSE REPORTS: No. 104-162 (Comm. on Ways and Means).
CONGRESSIONAL RECORD:
Jan. 2, considered and passed Senate, amended.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Jan. 6, Presidential statement.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

Public Law 104–94
104th Congress
Joint Resolution

Jan. 6, 1996
[H.J. Res. 134]

Public Law 104–94—Jan. 6, 1996

Making further continuing appropriations for the fiscal year 1996, and for other purposes

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

SEC. 1. Section 106(c) of Public Law 104–56 is amended by striking “December 15, 1995” and inserting in lieu thereof “January 26, 1996”.

SEC. 2. The transmission of this joint resolution to the President shall be in accordance with the requirements of the concurrent resolution (H. Con. Res. 131) that establishes procedures making such transmission contingent upon the submission by the President of a seven-year balanced budget using the economic and technical assumptions specified in or consistent with the Congressional Budget Office Memorandum entitled “The Economic and Budget Outlook: December 1995 Update”.

Approved January 6, 1996.

LEGISLATIVE HISTORY—H.J. Res. 134:

CONGRESSIONAL RECORD:

Dec. 22, considered and passed Senate, amended.

NOTE.—Provided funding for various government activities for the period December 15 through January 26, 1996.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

110 STAT.  PUBLIC LAW 104–99—JAN. 26, 1996

Public Law 104–99
104th Congress

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

Jan. 26, 1996
[H.R. 2880]

The Balanced Budget Downpayment Act, I.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I

Sec. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 including the authority and conditions provided in emergency supplemental appropriations Acts for fiscal year 1995 for continuing projects or activities, except for those projects and activities provided for in Public Law 104–91 and Public Law 104–92, including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act as passed each House, excluding conference reports:

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

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed

NOTE.—Provided funding for Foreign Operations, Commerce-Justice-State, VA-HUD, Labor-HHS, and Interior at various rates of operations and through specified dates.
by both Houses as of the date of enactment of this Act, the pertinent
project or activity shall not be continued except as provided for
in section 111 under the appropriation, fund, or authority granted
by the applicable appropriations Act for the fiscal year 1995 and
under the authority and conditions provided in the applicable appro-
priations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed
by only the House or only the Senate as of the date of enactment
of this Act, the pertinent project or activity shall be continued
under the appropriation, fund, or authority granted by the one
House at a rate for operations not exceeding the current rate
or the rate permitted by the action of the one House, whichever
is lower, and under the authority and conditions provided in the
applicable appropriations Act for the fiscal year 1995: Provided,
That where an item is funded in the applicable appropriations
Act for the fiscal year 1995 and not included in the version passed
by the one House as of the date of enactment of this Act, the
pertinent project or activity shall not be continued except as pro-
vided for in section 111 under the appropriation, fund, or authority
granted by the applicable appropriations Act for the fiscal year
1995 and under the authority and conditions provided in the
applicable appropriations Act for the fiscal year 1995.

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

SEC. 103. No appropriations or funds made available or author-
ity granted pursuant to section 101 shall be used to initiate or
resume any project or activity for which appropriations, funds,
or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in an appropriations
Act enumerated in section 101 but which was not included in
the applicable appropriations Act for fiscal year 1995 and which
by its terms is applicable to more than one appropriation, fund,
or authority shall be applicable to any appropriation, fund, or
authority provided in this title of this Act.

SEC. 105. Appropriations made and authority granted pursuant
to this title of this Act shall cover all obligations or expenditures
incurred for any program, project, or activity during the period
for which funds or authority for such project or activity are available
under this Act.

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

SEC. 107. This title of this Act shall be implemented so that
only the most limited funding action of that permitted in this
title of this Act shall be taken in order to provide for continuation
of projects and activities.

SEC. 108. Expenditures made pursuant to this title of this
Act shall be charged to the applicable appropriation, fund, or
authorization whenever a bill in which such applicable appro-
priation, fund, or authorization is contained is enacted into law.
Sec. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

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

Sec. 111. Notwithstanding any other provision of this title of this Act, except section 106, whenever an Act listed in section 101 as passed by both the House and the Senate as of the date of enactment of this Act, does not include funding for an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of the date of enactment of this Act, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act, the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

Sec. 112. Notwithstanding any other provision of this title of this Act, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366: Provided, That the first sentence of section 112 shall not apply except to furloughs that exceed one workday per pay period for the affected workforce during the period of January 26, 1996 through March 15, 1996.

Sec. 113. Notwithstanding any other provision of this title of this Act, except sections 106 and 111, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.
SEC. 114. Notwithstanding any other provision of this title of this Act, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this title of this Act as the number of days covered by this title of this Act bears to 366.

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

- Child Development Associate Scholarships in the Department of Health and Human Services;
- Dependent Care Planning and Development in the Department of Health and Human Services;
- Law Related Education in the Department of Education;
- Dropout Prevention Demonstrations in the Department of Education;
- Aid for Institutional Development—Endowment Grants in the Department of Education;
- Aid for Institutional Development—Evaluation in the Department of Education;
- Native Hawaiian and Alaska Native Cultural Arts;
- Innovative Projects in Community Service in the Department of Education;
- Cooperative Education in the Department of Education; and
- Douglas Teacher Scholarships in the Department of Education.

SEC. 116. COMPENSATION AND RATIFICATION OF AUTHORITY.—

(a) Any Federal employees furloughed as a result of a lapse in appropriations, if any, after midnight November 13, 1995, until the enactment of this Act shall be compensated at their standard rate of compensation for the period during which there was a lapse in appropriations.

(b) All obligations incurred in anticipation of the appropriations made and the authority granted by this title of this Act for the purposes of maintaining the essential level of activity to protect life and property and bring about orderly termination of Government functions are hereby ratified and approved if otherwise in accord with the provisions of this title of this Act.

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

- Department of Health and Human Services:
  - Health Resources and Services Administration:
    - Health Resources and Services:
      - Trauma Care
    - Health Care Facilities
- Assistant Secretary for Health:
  - Office of the Assistant Secretary for Health:
    - National Vaccine Program
    - Health Care Reform Data Analysis
    - National AIDS Program Office
Health Care Financing Administration:
  Program Management:
    Essential Access Community Hospitals
Administration for Children and Families:
  Children and Families Services Program:
    Youth Gang Substance Abuse
    Advisory Board on Child Abuse and Neglect
    Child Welfare Research
    Social Services Research
    Homeless Service Grants
    Community Schools (crime trust fund)
Administration on Aging:
  Aging Services Programs:
    Pension Counseling
    Federal Council on Aging
    White House Conference on Aging
Department of Education:
  Education for the Disadvantaged:
    State School Improvement
  School Improvement Programs:
    Safe and Drug Free Schools and Communities; National Program
    Women's Educational Equity
  Bilingual and Immigrant Education:
    Bilingual Education Support Services
  Higher Education:
    Faculty Development Fellowships
    School, College, and University Partnerships
Related Agencies:
  Corporation for National and Community Service:
    Domestic Volunteer Service Programs,
    Operating Expenses:
    Senior Demonstration Program
  National Education Standards and Improvement Council.

Sec. 118. Notwithstanding any other provision of law or this Act, upon enactment of this Act the Secretary of each cabinet level department other than State, Defense, Ambassador to the United Nations, and Central Intelligence shall not obligate a total amount of funds for their individual official travel expenses for fiscal year 1996 that would be greater than 110 per centum of the average total amount of the individual official travel expenses of the relevant departmental secretary for the fiscal years 1990 through 1995.

Sec. 119. Notwithstanding any other provision of law or of this title of this Act, the maximum Pell Grant for which a student shall be eligible under the Higher Education Act of 1965, as amended, during award year 1996-1997 shall be at least $2,440.

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

Sec. 121. 501 FIRST STREET SE., DISTRICT OF COLUMBIA.
(a) DISPOSAL OF REAL PROPERTY.—
   (1) IN GENERAL.—The Architect of the Capitol shall dispose of by sale at fair market value all right, title, and interest of the United States in and to the parcel of real property described in paragraph (9), including all improvements to such real property. Such disposal shall be made by quitclaim deed.
   (2) HOUSE OFFICE BUILDING COMMISSION.—The Architect of the Capitol shall carry out this section under the direction of the House Office Building Commission.
   (3) PROCEDURES.—Notwithstanding any other provision of law, the disposal under paragraph (1) shall be made in accordance with such procedures as the Architect of the Capitol determines appropriate.
   (4) SENSE OF CONGRESS.—It is the sense of Congress that the child care center of the House of Representatives should remain in operation during the implementation of this section.
   (5) TERMS AND CONDITIONS.—The deed of conveyance for the property to be disposed of under paragraph (1) shall contain such terms and conditions as the Architect of the Capitol determines are necessary to protect the interests of the United States.
   (6) DEPOSIT OF PROCEEDS.—All proceeds from the disposal under paragraph (1) shall be deposited in the account established by subsection (b).
   (7) ADVERTISING AND MARKETING.—The Architect of the Capitol shall begin advertising and marketing the property to be disposed of under paragraph (1) not later than 30 days after the date of the enactment of this Act.
   (8) LOCAL ZONING AND OCCUPANCY REQUIREMENTS.—Until such date as the purchaser of the property to be disposed of under paragraph (1) takes full occupancy of such property, such property and the tenants of such property shall be deemed to be in compliance with all applicable zoning and occupancy requirements of the District of Columbia.
   (9) PROPERTY DESCRIPTION.—The parcel of real property referred to in paragraph (1) is the approximately 31,725 square feet of land located at 501 First Street, SE., on square 736 S, Lot 801 (formerly part of Reservation 17) in the District of Columbia. Such parcel is bounded by E Street, SE., to the north, First Street, SE., to the east, New Jersey Avenue, SE., to the west, and Garfield Park to the south.

(b) SEPARATE ACCOUNT IN THE TREASURY.—
   (1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account which shall consist of amounts deposited into the account by the Architect of the Capitol under subsection (a).
   (2) AVAILABILITY OF FUNDS.—Funds in the account established by paragraph (1) shall be available, in such amounts as are specified in appropriations Acts, to the Architect of the Capitol for—
      (A) payment of expenses associated with relocating the tenants of the property to be disposed of under subsection (a)(1); and
      (B) payment of expenses associated with renovating facilities under the jurisdiction of the Architect for the purpose of accommodating such tenants; and
(C) reimbursement of expenses incurred for advertising and marketing activities related to the disposal under subsection (a)(1) in a total amount of not to exceed $75,000. Funds made available under this paragraph shall not be subject to any fiscal year limitation.

(3) REPORTING OF TRANSACTIONS.—Receipts, obligations, and expenditures of funds in the account established by paragraph (1) shall be reported in annual estimates submitted to Congress by the Architect of the Capitol for the operation and maintenance of the Capitol Buildings and Grounds.

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

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

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

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

(3) PROCEEDS.—All proceeds from the sale of steam and chilled water under paragraph (1) shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.

SEC. 122. Notwithstanding any other provision of this title of this Act except section 106, such sums as necessary are hereby appropriated for all projects and activities funded under the account heading “Office for Civil Rights” under the Office of the Secretary in the Department of Health and Human Services at a rate for operations not to exceed an annual rate for new obligational authority of $16,153,000 for general funds together with not to exceed an annual rate for new obligational authority of $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

SEC. 123. Activities necessary to effect the following program eliminations and transfers of selected functions are funded under the terms and conditions and at a rate of operations, notwithstanding any other provision of this title of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995:

All projects and activities under the account heading “Public Development” under the Pennsylvania Avenue Development Corporation;
All projects and activities under the account heading "Mines and Minerals" under the Bureau of Mines in the Department of the Interior;

All activities related to the transfer of functions from the Bureau of Mines under the account heading "Management of Lands and Resources" under the Bureau of Land Management in the Department of the Interior;

All activities related to the transfers of functions from the Bureau of Mines and from the National Biological Service under the account heading "Surveys, Investigations, and Research" under the United States Geological Survey in the Department of the Interior; and

All activities related to the transfer of functions from the Bureau of Mines under the account heading "Fossil Energy Research and Development" in the Department of Energy.

SEC. 124. Notwithstanding any other provision of this title of this Act, the appropriations and funds made available and authority granted pursuant to the preceding section shall be available until (a) enactment into law of an appropriation for any project or activity provided for in that section, or (b) the enactment into law of the applicable appropriations Act without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 125. Notwithstanding any other provision of this title of this Act, except section 106, such amounts as may be necessary are hereby appropriated to effect the sale of Weeks Island oil from the Strategic Petroleum Reserve under the terms and conditions and at a rate of operations provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995.

SEC. 126. Notwithstanding any other provision of this title of this Act, such amounts as may be necessary are hereby appropriated under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing, at a rate for operations provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995, for the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which are conducted in the fiscal year 1995: all projects or activities of the Indian Health Services, Indian Health Service Facilities, Bureau of Indian Affairs, National Park Service, notwithstanding any other provision of law, the United States Fish and Wildlife Service, notwithstanding any other provision of law, and the Forest Service, notwithstanding any other provision of law: Provided, That appropriations and funds made available and authority granted pursuant to this section shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this section, or (b) the enactment into law of the applicable appropriations Act without any provision for such project or activity, or (c) March 15, 1996, whichever first occurs.

SEC. 127. Notwithstanding any other provision of this title of this Act except section 106, projects and activities under the
account heading “Salaries and expenses” under the National Labor Relations Board shall be subject to the provisions of section 112 of Public Law 104±56.

Sec. 128. None of the funds made available by Public Law 104±91 may be used for—

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

For purposes of this section, the phrase “human embryo or embryos” shall include any organism, not protected as a human subject under 45 CFR 46 as of the date of enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

Sec. 129. Technical Amendment to Prohibition of Grants for 501(c)(4) Organizations Engaging in Lobbying Activities. (a) In General.—Section 18 of the Lobbying Disclosure Act of 1995 is amended by striking “award, grant, contract, loan, or any other form” and inserting “award, grant, or loan”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the Lobbying Disclosure Act of 1995 on the date of the enactment of such Act.

Sec. 130. No funds appropriated under this Act or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101±382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101±382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101±382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

Sec. 131. Notwithstanding any other provision of this Act, an additional $2,000,000 is hereby appropriated for the National Park Service, Park Service Construction for repair of flood damage to the Chesapeake and Ohio Canal National Historical Park.

**TITLE II**

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

Sec. 201. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for projects or activities, except for those projects and activities provided for in Public Law 104±91 and Public Law 104±92, including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this
Act) at a rate for operations provided for in the conference report and joint explanatory statement of the Committee of Conference, House Report 104–378, on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed the House of Representatives on December 6, 1995, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act: Provided, That, notwithstanding any other provision of this title of this Act, the rate for operations only for program administration and the continuation of grants awarded in fiscal year 1995 and prior years of the Advanced Technology Program of the National Institute of Standards and Technology, and the rate for operations for the Ounce of Prevention Council, Drug Courts, Global Learning and Observations to Benefit the Environment, and for the Cops on the Beat Program may be increased up to a level of 75 per centum of the final fiscal year 1995 appropriated amount: Provided further, That, under the previous proviso, no contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by the previous proviso as the number of days covered by this Act bears to 366: Provided further, That any costs incurred by a Department or agency funded under this subsection resulting from personnel actions taken in response to funding reductions resulting from this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided further, That the authority to transfer funds between appropriations accounts as may be necessary to carry out the preceding proviso is provided in addition to authorities provided elsewhere in this subsection: Provided further, That funds to carry out the preceding two provisos shall not be available for obligation or expenditure except in compliance with established reprogramming procedures: Provided further, That, notwithstanding any other provision of this title of this Act, the amount of funds obligated or expended by the Legal Services Corporation shall not exceed an amount that bears the same ratio to the rate for operations available to the Legal Services Corporation as the number of days covered by this Act bears to 366: Provided further, That, notwithstanding any other provision of this title of this Act, funding provided for Violent Offender Incarceration and Truth in Sentencing Incentive Grants, with the exception of funds available to States for incarceration of criminal aliens and the Cooperative Agreement Program, shall be withheld, pending enactment of revisions to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, so as not to impinge upon final funding prerogatives: Provided further, That, notwithstanding any other provision of this title of this Act, sufficient funds shall be provided to continue the Office of Inspector General of the United States Information Agency, to be derived from funds otherwise available to the Office of Inspector General of the Department of State.
DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS

(b) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities, except for those projects and activities provided for in Public Law 104-91 and Public Law 104-92, including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) at a rate for operations provided for in the conference report and joint explanatory statement of the Committee of Conference, House Report 104-384, on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed the House of Representatives on December 7, 1995: Provided, That Senate amendment 63 shall be disposed of in the manner passed by the Senate on December 7, 1995, as if enacted into law; Provided further, That, notwithstanding any other provision of this title of this Act, the rate for operations for the Corporation for National and Community Service, the Community Development Financial Institutions Fund, and the Office of Consumer Affairs may be increased up to a level of 75 per centum of the fiscal year 1995 level: Provided further, That, under the previous proviso, no new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by the previous proviso as the number of days covered by this Act bears to 366: Provided further, That the penultimate proviso under the heading "General Operating Expenses" and sections 107 and 109 under the heading "Administrative Provisions" in the Department of Veterans Affairs are effective to the extent and in the manner, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-384) on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995.

Sec. 202. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) the enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) March 15, 1996, whichever first occurs.

Sec. 203. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

Sec. 204. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 205. Appropriations made by section 201 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.
Sec. 206. No provision in the appropriations Act for the fiscal year 1996 referred to in section 201 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 202(c) of this Act.

Sec. 207. Appropriations and funds made available by or authorized pursuant to this title of this Act may be issued without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 208. Public Law 104–92 is amended by repealing title II and by inserting in section 101(a) after the paragraph ending with “under the Railroad Retirement Board;” the following paragraphs: “All activities, including administrative and beneficiary travel expenses of all veterans benefit programs, necessary for the provision of veterans benefits funded in the Department of Veterans Affairs under the headings ‘Compensation and pensions’, ‘Readjustment benefits’, ‘Veterans insurance and indemnities’, ‘Guaranty and indemnity program account’, ‘Loan guaranty program account’, ‘Direct loan program account’, ‘Education loan fund program account’, ‘Vocational rehabilitation loans program account’, ‘Native American veteran housing loan program account’, and ‘Administrative provisions, sec. 107’ to the extent and in the manner and at the rate for operations, notwithstanding any other provision of this joint resolution, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–384) on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

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

Sec. 209. Notwithstanding any other provision of this title of this Act, except section 202, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103–352, which fee rate and offsetting collection authority shall remain in effect during the period of this title of this Act.

Sec. 210. Notwithstanding any other provision of this title of this Act, except section 202, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

Sec. 211. Public Law 104–91 is amended by inserting after the words “the protection of the Federal judiciary” in section 101(a), the following: “to the extent and in the manner and”, and by
inserting at the end of the paragraph containing those words, but before the semicolon, the following: "Provided, That, with the exception of section 114, the General Provisions for the Department of Justice included in title I of the aforementioned conference report are hereby enacted into law".

Sec. 212. Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration shall convey, without reimbursement, to the State of Mississippi, all rights, title and interest of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and also including any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: Provided, That appropriated funds shall be used to effect this conveyance: Provided further, That $10,000,000 in appropriated funds otherwise available to the National Aeronautics and Space Administration shall be transferred to the State of Mississippi to be used in the transition of the facility: Provided further, That each Federal agency with prior contact to the site shall remain responsible for any and all environmental remediation made necessary as a result of its activities on the site: Provided further, That in consideration of this conveyance, the National Aeronautics and Space Administration may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: Provided further, That the conveyance of the site and the transfer of the funds to the State of Mississippi shall occur not later than thirty days from the date of enactment of this Act.

Sec. 213. Notwithstanding any other provision of this title of this Act except section 202, projects and activities under the account heading "Council on Environmental Quality and Office of Environmental Quality" shall be subject to the provisions of section 112 of Public Law 104-56.

Sec. 214. Notwithstanding any other provision of this title of this Act except section 202, whenever the rate for operations for any continuing project or activity provided by section 201 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366: Provided, That the first sentence of section 214 shall not apply except to furloughs that exceed one workday per pay period for the affected workforce during the period of January 26, 1996 through March 15, 1996.
section 518A. Notwithstanding section 526 of this Act, none of the funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA) may be obligated or expended prior to July 1, 1996, unless such funding is expressly authorized by law: Provided, That if such funds are not authorized by law prior to July 1, 1996, funds appropriated in title II of this Act for population planning activities or other population assistance may be made available for obligation and expenditure in an amount not to exceed 65 percent of the total amount appropriated or otherwise made available by Public Law 103-306 and Public Law 104-19 for such activities for fiscal year 1995, and funds appropriated in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA) may be made available for obligation and expenditure in an amount not to exceed 65 percent of the total amount appropriated or otherwise made available by Public Law 103-306 and Public Law 104-19 for a contribution to UNFPA for fiscal year 1995: Provided further, That, pursuant to the previous proviso, such funds may be apportioned only on a monthly basis, beginning July 1, 1996 and ending September 30, 1997, and such monthly apportionments may not exceed 6.67 percent of the total available for such activities: Provided further, That notwithstanding any other provision of this Act, funds appropriated by this Act for the United Nations Population Fund (UNFPA) shall remain available for obligation until September 30, 1997."
TITLE IV
HOUSING AND URBAN DEVELOPMENT

SEC. 401. During fiscal year 1996, the Secretary of Housing and Urban Development may manage and dispose of multifamily properties owned by the Secretary, including the provision for grants from the General Insurance Fund (12 U.S.C. 1735c) for the necessary costs of rehabilitation and other related development costs and multifamily mortgages held by the Secretary without regard to any other provision of law.

PUBLIC AND ASSISTED HOUSING RENTS, INCOME ADJUSTMENTS, AND PREFERENCES

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

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50;

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

(4) public housing agencies shall require each family who is assisted under the public housing program (including public housing for Indian families) of such Act to pay a minimum monthly rent of not less than $25, and may require a minimum monthly rent of up to $50.

(b) Establishment of ceiling rents.—

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

``(2) Notwithstanding paragraph (1), a public housing agency may—

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

(i) to operate the housing of the agency; and

(ii) to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and

(B) allow families to pay ceiling rents referred to in subparagraph (A), unless, with respect to any family, the ceiling rent established under this paragraph would exceed the amount payable as rent by that family under paragraph (1)).''.

(2) Regulations.—

1 Funding included in Veterans Affairs, HUD Appropriations, 1996 (Public Law 104–134).
(A) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by paragraph (1).

(B) TRANSITION RULE.—Prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be not less than the monthly costs to operate the housing of the agency and—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937, as that section existed on the day before enactment of this Act;

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

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

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

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

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

(3) by inserting after subparagraph (G) the following:

“(H) for public housing, any other adjustments to earned income established by the public housing agency. If a public housing agency adopts other adjustments to income pursuant to subparagraph (H), the Secretary shall not take into account any reduction of or increase in the public housing agency’s per unit dwelling rental income resulting from those adjustments when calculating the contributions under section 9 for the public housing agency for the operation of the public housing.”.

(d) REPEAL OF FEDERAL PREFERENCES.—

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

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

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

“(A) the selection of tenants shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency, except that for the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability
strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;”.

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

“(B) For the purpose of selecting families to be assisted under this subsection, the public housing agency may establish, after public notice and an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act.”.

(4) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

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

“(c) [Reserved.]”.

(B) PROHIBITION.—Notwithstanding any other provision of law, no Federal tenant selection preferences under the United States Housing Act of 1937 shall apply with respect to—

(i) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937 (as such section existed on the day before October 1, 1983); or

(ii) projects financed under section 202 of the Housing Act of 1959 (as such section existed on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act).

(5) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

“(k) [Reserved.]”.

(6) CONFORMING AMENDMENTS.—

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

(i) in section 6(o), by striking “preference rules specified in” and inserting “written system of preferences for selection established pursuant to”;

(ii) in the second sentence of section 7(a)(2), by striking “according to the preferences for occupancy under” and inserting “in accordance with the written system of preferences for selection established pursuant to”;

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

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

(v) in section 16(c), in the second sentence, by striking “the system of preferences established by the agency pursuant to section 6(c)(4)(A)(iii)” and inserting “the written system of preferences for selection established by the public housing agency pursuant to section 6(c)(4)(A)”;

and
(vi) in section 24(e)—
   (I) by striking ``(e) EXCEPTIONS'' and all that follows through ``The Secretary may'' and inserting the following:
   ``(e) EXCEPTION TO GENERAL PROGRAM REQUIREMENTS.—The Secretary may'';
   and
   (II) by striking paragraph (2).

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

(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking “the preferences” and all that follows up to the period at the end and inserting “any preferences”.

(D) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection to the preferences for assistance under section 6(c)(4)(A)(i), 8(d)(1)(A)(i), or 8(o)(3)(B) of the United States Housing Act of 1937 (as such sections existed on the day before the date of enactment of this Act) shall be considered to refer to the written system of preferences for selection established pursuant to section 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B), respectively, of the United States Housing Act of 1937, as amended by this section.

(e) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by subsections (a), (b), (c), (d), and (f) of this section shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(f) This section shall be effective upon the enactment of this Act and only for fiscal year 1996.
this subsection shall be applicable to all amounts made available for such fees during fiscal year 1996, as if in effect on October 1, 1995.

(c) DELAY REISSUANCE OF VOUCHERS AND CERTIFICATES.—Notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay for 3 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1996 of such assistance on behalf of any family for any reason, but not later than October 1, 1996; with the exception of any certificates assigned or committed to project-based assistance as permitted otherwise by the Act, accomplished prior to the effective date of this Act.

REPEAL OF PROVISIONS REGARDING INCOME DISREGARDS

SEC. 404. (a) Maximum Annual Limitation on Rent Increases Resulting From Employment.—Section 957 of the Cranston-Gonzalez National Affordable Housing Act is hereby repealed, retroactive to November 28, 1990, and shall be of no effect.

(b) Economic Independence.—Section 923 of the Housing and Community Development Act of 1992 is hereby repealed, retroactive to October 28, 1992, and shall be of no effect.

SECTION 8 CONTRACT RENEWALS

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

(b) Notwithstanding subsection (a) and except for projects assisted under section 8(e)(2) of the United States Housing Act of 1937 (as it existed immediately prior to October 1, 1991), at the request of the owner, the Secretary shall renew for a period of one year contracts for assistance under section 8 that expire or terminate during fiscal year 1996 at the current rent levels.

(c) Section 8(v) of the United States Housing Act of 1937 is amended to read as follows: "The Secretary may extend expiring contracts entered into under this section for project-based loan management assistance to the extent necessary to prevent displacement of low-income families receiving such assistance as of September 30, 1996."

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

(1) by striking the second sentence in paragraph (1) and inserting in lieu thereof the following: "The rental charge for each dwelling unit shall be at the basic rental charge or such
greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for the market area in which the housing is located, as represents 30 per centum of the tenant's adjusted income;", and
(2) by striking paragraph (6).

EXTENSION OF HOME EQUITY CONVERSION MORTGAGE PROGRAM

SEC. 406. Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended—
(1) in the first sentence, by striking “September 30, 1995” and inserting “September 30, 1996”; and
(2) in the second sentence, by striking “25,000” and inserting “30,000”.

FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 407. (a) FORECLOSURE AVOIDANCE.—Except as provided in subsection (e), the last sentence of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended by inserting before the period the following: “: And provided further, That the Secretary may pay insurance benefits to the mortgagee to recompense the mortgagee for its actions to provide an alternative to the foreclosure of a mortgage that is in default, which actions may include special foreclosure, loan modification, and deeds in lieu of foreclosure, all upon terms and conditions as the mortgagee shall determine in the mortgagee’s sole discretion, within guidelines provided by the Secretary, but which may not include assignment of a mortgage to the Secretary: And provided further, That for purposes of the preceding proviso, no action authorized by the Secretary and no action taken, nor any failure to act, by the Secretary or the mortgagee shall be subject to judicial review.”.

(b) AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT.—Except as provided in subsection (e), section 230 of the National Housing Act (12 U.S.C. 1715u) is amended to read as follows:

“AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT

“SEC. 230. (a) PAYMENT OF PARTIAL CLAIM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default. Any such payment under such program to the mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

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

“(2) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary. The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee

1 Funding included in Veterans Affairs, HUD Appropriations, 1996 (Public Law 104–134).
is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.

"(b) ASSIGNMENT.—

"(1) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence insured under this Act.

"(2) PROGRAM REQUIREMENTS.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

"(A) the mortgage was in default;

"(B) the mortgagee has modified the mortgage to cure the default and provide for mortgage payments within the reasonable ability of the mortgagor to pay, at interest rates not exceeding current market interest rates; and

"(C) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate insurance fund.

"(3) PAYMENT OF INSURANCE BENEFITS.—Upon accepting assignment of a mortgage under a program established under this subsection, the Secretary may pay insurance benefits to the mortgagee from the appropriate insurance fund, in an amount that the Secretary determines to be appropriate, not to exceed the amount necessary to compensate the mortgagee for the assignment and any losses and expenses resulting from the mortgage modification.

"(c) PROHIBITION OF JUDICIAL REVIEW.—No decision by the Secretary to exercise or forego exercising any authority under this section shall be subject to judicial review.

"(d) SAVINGS PROVISION.—Any mortgage for which the mortgagor has applied to the Secretary, before the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, for assignment pursuant to subsection (b) of this section as in effect before such date of enactment shall continue to be governed by the provisions of this section, as in effect immediately before such date of enactment.

"(e) APPLICABILITY OF OTHER LAWS.—No provision of this Act, or any other law, shall be construed to require the Secretary to provide an alternative to foreclosure for mortgagees with mortgages on 1- to 4-family residences insured by the Secretary under this Act, or to accept assignments of such mortgages.

"(c) APPLICABILITY OF AMENDMENTS.—Except as provided in subsection (e), the amendments made by subsections (a) and (b) shall apply only with respect to mortgages insured under the National Housing Act that are originated before October 1, 1995.

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

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

(1) subsections (a), (b), (c), and (d) of this section shall not take effect; and
(2) section 2052(c) of the Balanced Budget Act of 1995 is amended by striking “that are originated on or after October 1, 1995” and inserting in lieu thereof “that are originated before, during, and after fiscal year 1996.”.

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

Approved January 26, 1996.

LEGISLATIVE HISTORY—H.R. 2880:
CONGRESSIONAL RECORD, Vol. 142 (1996):
  Jan. 25, considered and passed House.
  Jan. 26, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
  Jan. 26, Presidential statement.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

110 STAT.  PUBLIC LAW 104–116—MAR. 15, 1996

Public Law 104–116
104th Congress
Joint Resolution
Making further continuing appropriations for the fiscal year 1996, and for other purposes. Mar. 15, 1996
[H.J. Res. 163]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is amended by striking out “March 15, 1996” in sections 106(c), 112, 126(c), 202(c) and 214 and inserting in lieu thereof “March 22, 1996”, and by inserting in section 101(a) after “The Department of the Interior and Related Agencies Appropriations Act, 1996” the following “, H.R. 1977”, and by inserting in section 101(a) after “The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1996” the following “, H.R. 2127”, and that Public Law 104–92 is amended by striking out “March 15, 1996” in section 106(c) and inserting in lieu thereof “March 22, 1996”.

Approved March 15, 1996.

LEGISLATIVE HISTORY—H.J. Res. 163:
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 14, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Mar. 15, Presidential statement.

Note.—Provided funding for various government activities for the period March 15 through March 22, 1996.
Joint Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is further amended by striking out "March 22, 1996" in sections 106(c), 112, 126(c), 202(c) and 214 and inserting in lieu thereof "March 29, 1996", and that Public Law 104–92 is further amended by striking out "March 22, 1996" in section 106(c) and inserting in lieu thereof "April 3, 1996".

Approved March 22, 1996.

LEGISLATIVE HISTORY—H.J. Res. 165:
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 21, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Mar. 22, Presidential statement.

NOTE.—Provided funding for various government activities for the period March 22 through April 3, 1996.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

110 STAT.  PUBLIC LAW 104–122—MAR. 29, 1996

Public Law 104–122
104th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is further amended by striking out “March 29, 1996” in sections 106(c), 112, 126(c), 202(c) and 214 and inserting in lieu thereof “April 24, 1996”; and that Public Law 104–92 is further amended by striking out “April 3, 1996” in section 106(c) and inserting in lieu thereof “April 24, 1996” and by inserting in title IV in the matter before section 401 “out of any money in the Treasury not otherwise appropriated, and” before “out of the general fund”; and that section 347(b)(3) of Public Law 104–50 is amended to read as follows:

“(3) chapter 71, relating to labor-management relations;”;

and

that section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 1300–2(a)) is amended by striking “shall” in the first sentence and inserting in lieu thereof “may”.

Approved March 29, 1996.

LEGISLATIVE HISTORY—H.J. Res. 170:
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 29, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Mar. 29, Presidential statement.

Note.—Sec. 2 is shown separately as the “Baltic States Supplemental, 1996”. Provided funding for various government activities through April 24, 1996.
CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

110 STAT. PUBLIC LAW 104–131—APR. 24, 1996

Public Law 104–131
104th Congress

Joint Resolution

Apr. 24, 1996 [H.J. Res. 175]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is further amended by striking out “April 24, 1996” in sections 106(c), 112, 126(c), 202(c), and 214 and inserting in lieu thereof “April 25, 1996”; and that Public Law 104–92 is further amended by striking out “April 24, 1996” in section 106(c) and inserting in lieu thereof “April 25, 1996”.

Approved April 24, 1996.

LEGISLATIVE HISTORY—H.J. Res. 175:
CONGRESSIONAL RECORD, Vol. 142 (1996):
Apr. 24, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Apr. 24, Presidential statement.

NOTE.—Provided funding for various government activities from April 24 through April 25, 1996.
TITLES II AND III—
MAKING APPROPRIATIONS FOR
FISCAL YEAR 1996 TO MAKE
A FURTHER DOWNPAYMENT
TOWARD A BALANCED BUDGET,
AND FOR OTHER PURPOSES

PUBLIC LAW 104-134
SUPPLEMENTALS, RESCISSIONS AND OFFSETS, 1996

110 STAT. PUBLIC LAW 104–134—APR. 26, 1996

*Public Law 104–134
104th Congress

An Act

Apr. 26, 1996 [H.R. 3019]

Omnibus Consolidated Rescissions and Appropriations Act of 1996.

Supplemental Appropriations Act of 1996.

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

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

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

Of the funds appropriated by Public Law 104–37 or otherwise made available to the Food Safety and Inspection Service for fiscal year 1996, not less than $363,000,000 shall be available for salaries and benefits of in-plant personnel: Provided, That this limitation shall not apply if the Secretary of Agriculture certifies to the House and Senate Committees on Appropriations that a lesser amount will be adequate to fully meet in-plant inspection requirements for the fiscal year.

Certification.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.
For an additional amount for “Watershed and Flood Prevention Operations” to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, $80,514,000, to remain available until expended: Provided, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed $7,288,000, from funds provided under this heading to accept bids from willing sellers to provide conservation easements for such cropland inundated by floods as provided for by the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837): Provided further, That the entire amount shall be available only to the extent that an official budget request for $80,514,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, 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.

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205) for expenses resulting from floods in the Pacific Northwest and other natural disasters, $30,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204: 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.
RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for “Rural housing insurance fund program account” for the additional cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, to be available from funds in the rural housing insurance fund as follows:

- $5,000,000 for section 502 direct loans
- $1,500,000 for section 504 housing repair loans, 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.

[Total, $6,500,000.]

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for “Very low-income housing repair grants” under section 504 of the Housing Act of 1949, as amended, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, $1,100,000, 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.

[Total, Rural Housing and Community Development Services, $7,600,000.]

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the “Rural Utilities Assistance Program” for the cost of direct loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from flooding in the Pacific Northwest and other natural disasters, $11,000,000, to remain available until expended:

Provided, That such funds may be available for emergency community water assistance grants as authorized by 7 U.S.C. 1926b:

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.

GENERAL PROVISIONS

SECTION 2001. SEAFOOD SAFETY.

Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the “Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products” (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity

1 CBO estimate of direct loans.
2 CBO estimate of guaranteed loans.
purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

SEC. 2002.

Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to make or guarantee an operating loan under Subtitle B or an emergency loan under Subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et. seq.), as in effect prior to April 4, 1996, to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996.

[Total, Chapter 1, $129,114,000.]

CHAPTER 1A

FOOD AND DRUG EXPORT REFORM

SEC. 2101. SHORT TITLE; REFERENCE.

(a) Short Title.—This chapter may be cited as the "FDA Export Reform and Enhancement Act of 1996".

(b) Reference.—Wherever in this chapter (other than in section 2104) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act. (21 U.S.C. 321 et seq.)

SEC. 2102. EXPORT OF DRUGS AND DEVICES.

(a) Imports for Export.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (d), by adding at the end thereof the following:

"(3) No component of a drug, no component part or accessory of a device which is ready or suitable for use for health-related purposes, and no food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if—

"(A) the importer of such article of a drug or device or importer of the food additive, color additive, or dietary supplement submits a statement to the Secretary, at the time of initial importation, that such article of a drug or device, food additive, color additive, or dietary supplement is intended to be incorporated by the initial owner or consignee into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by such owner or consignee from the United States in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act;

"(B) the initial owner or consignee responsible for such imported article maintains records that identify the use of such imported article and upon request of the Secretary submits a report that provides an accounting of the exportation or...
the disposition of the imported article, including portions that have been destroyed, and the manner in which such person complied with the requirements of this paragraph; and

``(C) any imported component, part, or accessory of a drug or device and any food additive, color additive, or dietary supplement not incorporated as described in subparagraph (A) is destroyed or exported by the owner or consignee.

``(4) The importation into the United States of blood, blood components, source plasma, or source leukocytes or of a component, accessory, or part thereof is not permitted pursuant to paragraph (3) unless the importation complies with section 351(a) of the Public Health Service Act or the Secretary permits the importation under appropriate circumstances and conditions, as determined by the Secretary. The importation of tissue or a component or part of tissue is not permitted pursuant to paragraph (3) unless the importation complies with section 361 of the Public Health Service Act.”;

(b) Export of Certain Products.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (e)(1), by striking the second sentence;

(2) in subsection (e)(2)—

(A) by striking “the Secretary” and inserting “either (i) the Secretary”;

and

(B) by inserting before the period at the end thereof the following: “or (ii) the device is eligible for export under section 802”;

and

(3) in subsection (e), by adding at the end thereof the following:

``(3) A new animal drug that requires approval under section 512 shall not be exported pursuant to paragraph (1) if such drug has been banned in the United States.

``(4)(A) Any person who exports a drug, animal drug, or device may request that the Secretary—

``(i) certify in writing that the exported drug, animal drug, or device meets the requirements of paragraph (1) or section 802; or

``(ii) certify in writing that the drug, animal drug, or device being exported meets the applicable requirements of this Act upon a showing that the drug or device meets the applicable requirements of this Act.

The Secretary shall issue such a certification within 20 days of the receipt of a request for such certification.

``(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed $175 for each certification. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration.”.

(c) Labeling of Exported Drugs.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following:

``(f)(1) If a drug being exported in accordance with subsection (e) is being exported to a country that has different or additional
labeling requirements or conditions for use and such country requires the drug to be labeled in accordance with those requirements or uses, such drug may be labeled in accordance with such requirements and conditions for use in the country to which such drug is being exported if it also is labeled in accordance with the requirements of this Act.

“(2) If, pursuant to paragraph (1), the labeling of an exported drug includes conditions for use that have not been approved under this Act, the labeling must state that such conditions for use have not been approved under this Act.”

(d) Export of Certain Unapproved Drugs and Devices.—

(1) Amendment.—Section 802 (21 U.S.C. 382) is amended to read as follows:

“EXPORTS OF CERTAIN UNAPPROVED PRODUCTS

SEC. 802. (a) A drug or device—

“(1) which, in the case of a drug—

“(A)(i) requires approval by the Secretary under section 505 before such drug may be introduced or delivered for introduction into interstate commerce; or

“(ii) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus-Serum Toxin Act) before it may be introduced or delivered for introduction into interstate commerce;

“(B) does not have such approval or license; and

“(C) is not exempt from such sections or Act; and

“(2) which, in the case of a device—

“(A) does not comply with an applicable requirement under section 514 or 515;

“(B) under section 520(g) is exempt from either such section; or

“(C) is a banned device under section 516, is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug or device is, except as provided in subsection (f), authorized under subsection (b), (c), (d), or (e) or section 801(e)(2). If a drug or device described in paragraphs (1) and (2) may be exported under subsection (b) and an application for such drug or device under section 505 or 515 or section 351 of the Public Health Service Act was disapproved, the Secretary shall notify the appropriate public health official of the country to which such drug will be exported of such disapproval.

“(b)(1) A drug or device described in subsection (a) may be exported to any country, if the drug or device complies with the laws of that country and has valid marketing authorization by the appropriate authority—

“(i) in Australia, Canada, Israel, Japan, New Zealand, Switzerland, or South Africa; or

“(ii) in the European Union or a country in the European Economic Area (the countries in the European Union and the European Free Trade Association) if the drug or device is marketed in that country or the drug or device is authorized for general marketing in the European Economic Area.

“(B) The Secretary may designate an additional country to be included in the list of countries described in clauses (i) and
(ii) of subparagraph (A) if all of the following requirements are met in such country:

"(i) Statutory or regulatory requirements which require the review of drugs and devices for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs and devices which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices.

"(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for—

"(I) the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength; and

"(II) the manufacture, preproduction design validation, packing, storage, and installation of a device are adequate to assure that the device will be safe and effective.

"(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and devices and procedures to withdraw approval and remove drugs and devices found not to be safe or effective.

"(iv) Statutory or regulatory requirements that the labeling and promotion of drugs and devices must be in accordance with the approval of the drug or device.

"(v) The valid marketing authorization system in such country or countries is equivalent to the systems in the countries described in clauses (i) and (ii) of subparagraph (A).

The Secretary shall not delegate the authority granted under this subparagraph.

"(C) An appropriate country official, manufacturer, or exporter may request the Secretary to take action under subparagraph (B) to designate an additional country or countries to be added to the list of countries described in clauses (i) and (ii) of subparagraph (A) by submitting documentation to the Secretary in support of such designation. Any person other than a country requesting such designation shall include, along with the request, a letter from the country indicating the desire of such country to be designated.

"(2) A drug described in subsection (a) may be directly exported to a country which is not listed in clause (i) or (ii) of paragraph (1)(A) if—

"(A) the drug complies with the laws of that country and has valid marketing authorization by the responsible authority in that country; and

"(B) the Secretary determines that all of the following requirements are met in that country:

"(i) Statutory or regulatory requirements which require the review of drugs for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety
and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs.

“(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength.

“(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective.

“(iv) Statutory or regulatory requirements that the labeling and promotion of drugs must be in accordance with the approval of the drug.

“(3) The exporter of a drug described in subsection (a) which would not meet the conditions for approval under this Act or conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A) may petition the Secretary for authorization to export such drug to a country which is not described in clause (i) or (ii) of paragraph (1)(A) or which is not described in paragraph (2). The Secretary shall permit such export if—

“(A) the person exporting the drug—

“(i) certifies that the drug would not meet the conditions for approval under this Act or the conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A); and

“(ii) provides the Secretary with credible scientific evidence, acceptable to the Secretary, that the drug would be safe and effective under the conditions of use in the country to which it is being exported; and

“(B) the appropriate health authority in the country to which the drug is being exported—

“(i) requests approval of the export of the drug to such country;

“(ii) certifies that the health authority understands that the drug is not approved under this Act or in a country described in clause (i) or (ii) of paragraph (1)(A); and

“(iii) concurs that the scientific evidence provided pursuant to subparagraph (A) is credible scientific evidence that the drug would be reasonably safe and effective in such country.

The Secretary shall take action on a request for export of a drug under this paragraph within 60 days of receiving such request.

“(c) A drug or device intended for investigational use in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported in accordance with the laws of that country and shall be exempt from regulation under section 505(i) or 520(g).

“(d) A drug or device intended for formulation, filling, packaging, labeling, or further processing in anticipation of market authorization in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported for use in accordance with the laws of that country.
“(e)(1) A drug or device which is used in the diagnosis, prevention, or treatment of a tropical disease or another disease not of significant prevalence in the United States and which does not otherwise qualify for export under this section shall, upon approval of an application, be permitted to be exported if the Secretary finds that the drug or device will not expose patients in such country to an unreasonable risk of illness or injury and the probable benefit to health from the use of the drug or device (under conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling of the drug or device) outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available drug or device treatment.

“(2) The holder of an approved application for the export of a drug or device under this subsection shall report to the Secretary—

“(A) the receipt of any credible information indicating that the drug or device is being or may have been exported from a country for which the Secretary made a finding under paragraph (1)(A) to a country for which the Secretary cannot make such a finding; and

“(B) the receipt of any information indicating adverse reactions to such drug.

“(3)(A) If the Secretary determines that—

“(i) a drug or device for which an application is approved under paragraph (1) does not continue to meet the requirements of such paragraph; or

“(ii) the holder of an approved application under paragraph (1) has not made the report required by paragraph (2), the Secretary may, after providing the holder of the application an opportunity for an informal hearing, withdraw the approved application.

“(B) If the Secretary determines that the holder of an approved application under paragraph (1) or an importer is exporting a drug or device from the United States to an importer and such importer is exporting the drug or device to a country for which the Secretary cannot make a finding under paragraph (1) and such export presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug or device to such importer, provide the person exporting the drug or device from the United States prompt notice of the prohibition, and afford such person an opportunity for an expedited hearing.

“(f) A drug or device may not be exported under this section—

“(1) if the drug or device is not manufactured, processed, packaged, and held in substantial conformity with current good manufacturing practice requirements or does not meet international standards as certified by an international standards organization recognized by the Secretary;

“(2) if the drug or device is adulterated under clause (1), (2)(A), or (3) of section 501(a) or subsection (c) or (d) of section 501;

“(3) if the requirements of subparagraphs (A) through (D) of section 801(e)(1) have not been met;

“(4)(A) if the drug or device is the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the probability of reimportation of the exported drug or device would present an imminent hazard to the public health and safety of the United States and the only means
of limiting the hazard is to prohibit the export of the drug or device; or

“(B) if the drug or device presents an imminent hazard to the public health of the country to which the drug or device would be exported;

“(5) if the drug or device is not labeled—

“(A) in accordance with the requirements and conditions for use in—

“(i) the country in which the drug or device received valid marketing authorization under subsection (b); and

“(ii) the country to which the drug or device would be exported; and

“(B) in the language and units of measurement of the country to which the drug or device would be exported or in the language designated by such country; or

“(6) if the drug or device is not promoted in accordance with the labeling requirements set forth in paragraph (5).

In making a finding under paragraph (4)(B), (5), or (6) the Secretary shall consult with the appropriate public health official in the affected country.

“(g) The exporter of a drug or device exported under subsection (b)(1) shall provide a simple notification to the Secretary identifying the drug or device when the exporter first begins to export such drug or device to any country listed in clause (i) or (ii) of subsection (b)(1)(A). When an exporter of a drug or device first begins to export a drug or device to a country which is not listed in clause (i) or (ii) of subsection (b)(1)(A), the exporter shall provide a simple notification to the Secretary identifying the drug or device and the country to which such drug or device is being exported. Any exporter of a drug or device shall maintain records of all drugs or devices exported and the countries to which they were exported.

“(h) For purposes of this section—

“(1) a reference to the Secretary shall in the case of a biological product which is required to be licensed under the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act) be considered to be a reference to the Secretary of Agriculture, and

“(2) the term ‘drug’ includes drugs for human use as well as biologicals under section 351 of the Public Health Service Act or the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act).”.

(2) CONFORMING AMENDMENTS.—Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking “802(b)(A)” and inserting “802(b)(1)” and by striking “802(b)(4)” and inserting “802(b)(1)”.

SEC. 2103. PROHIBITED ACT.

Section 301 (21 U.S.C. 331) is amended—

(1) by redesignating the second subsection (u) as subsection (v); and

(2) by adding at the end thereof the following:

“(w) The making of a knowingly false statement in any record or report required or requested under subparagraph (A) or (B) of section 801(d)(3), the failure to submit or maintain records as required by sections 801(d)(3)(A) and 801(d)(3)(B), the release into interstate commerce of any article imported into the United States...
under section 801(d)(3) or any finished product made from such article (except for export in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act), or the failure to export or destroy any component, part or accessory not incorporated into a drug, biological product or device that will be exported in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act:"

SEC. 2104. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.

Subsection (h) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended to read as follows:

"(h) A partially processed biological product which—

(1) is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man;

(2) is not intended for sale in the United States; and

(3) is intended for further manufacture into final dosage form outside the United States,

shall be subject to no restriction on the export of the product under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et. seq.) if the product is manufactured, processed, packaged, and held in conformity with current good manufacturing practice requirements or meets international manufacturing standards as certified by an international standards organization recognized by the Secretary and meets the requirements of section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e))."

SEC. 2105. (a) IN GENERAL.—Any owner on the date of enactment of this Act of the right to market a nonsteroidal antiinflammatory drug that—

1. contains a previously patented active agent;

2. has been reviewed by the Federal Food and Drug Administration for a period of more than 120 months as a new drug application; and

3. was approved as safe and effective by the Federal Food and Drug Administration on October 29, 1992,

shall be entitled, for the 2-year period beginning on October 29, 1997, to exclude others from making, using, offering for sale, selling, or importing into the United States such active agent, in accordance with section 154(a)(1) of title 35, United States Code.

(b) INFRINGEMENT.—Section 271 of title 35, United States Code shall apply to the infringement of the entitlement provided under subsection (a). No application described in section 271(e)(2)(A) of title 35, United States Code, regardless of purpose, may be submitted prior to the expiration of the entitlement provided under subsection (a).

(c) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, any owner granted an entitlement under subsection (a) shall notify the Commissioner of Patents and Trademarks and the Secretary for Health and Human Services of such entitlement. Not later than 7 days after the receipt of such notice, the Commissioner and the Secretary shall publish an appropriate notice of the receipt of such notice.
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses including mitigation relating to flooding and other natural disasters, $18,000,000, to remain available until expended, for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965, as amended, and for administrative expenses which may be transferred to and merged with the appropriations for “Salaries and expenses”: Provided, That the entire amount is hereby 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: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for “Construction” for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, $7,500,000, to remain available until expended: Provided, That the entire amount is hereby 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.

[Total, Department of Commerce, $25,500,000.]

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for “Disaster Loans Program Account”, $71,000,000 for the cost of direct loans, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the disaster loan program, $29,000,000, to remain available until expended: Provided, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Total, $100,000,000.]

[Total, Chapter 2, $125,500,000.]
CHAPTER 3
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
GENERAL INVESTIGATIONS

Any funds heretofore appropriated and made available in Public Law 102–104 and Public Law 102–377 to carry out the provisions for the project for navigation, St. Louis Harbor, Missouri and Illinois; may be utilized by the Secretary of the Army in carrying out the Upper Mississippi and Illinois Waterway System Navigation Study, Iowa, Illinois, Missouri, Wisconsin, Minnesota, in fiscal year 1996 or until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", for the Northeast and Northwest floods of 1996, $30,000,000, 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.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for the Northeast and Northwest floods of 1996 and other disasters, and to replenish funds transferred pursuant to Public Law 84–99, $135,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Total, Corps of Engineers—Civil, $165,000,000.]

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CONSTRUCTION PROGRAM

For an additional amount for "Construction Program", $9,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY
ATOMIC ENERGY DEFENSE ACTIVITIES
OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", for the Materials Protection, Control and Accounting program, $15,000,000 to remain available until expended, not withstanding any other provision of law.
SUPPLEMENTALS, RESCISSIONS AND OFFSETS, 1996

PUBLIC LAW 104–134—APR. 26, 1996

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

$5,500,000 of funds appropriated under this heading in the Energy and Water Development Appropriations Act, 1995 (Public Law 103–316), shall be transferred to the appropriation account “Operation and Maintenance, Alaska Power Administration”, to remain available until expended, only for necessary termination expenses.

[Total, Chapter 3, $189,000,000.]

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

Funds Appropriated to the President

Unanticipated Needs

Unanticipated Needs for Defense of Israel Against Terrorism

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, $50,000,000: Provided, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: Provided further, 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.

Military Assistance

Foreign Military Financing Program

For an additional amount for “Foreign Military Financing Program” for grants for Jordan pursuant to section 23 of the Arms Export Control Act, $70,000,000: Provided, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

[Total, Chapter 4, $120,000,000.]

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Department of the Interior

Bureau of Land Management

Construction and Access

For an additional amount for “Construction and Access”, $5,000,000, to remain available until expended, to repair roads, 5,000,000

Transfer.
culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount 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: Provided further, That $758,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for “Oregon and California Grant Lands”, $35,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount 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: Provided further, That $15,452,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

For an additional amount for Resource Management, $1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the United States Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, 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.

CONSTRUCTION

For an additional amount for “Construction”, $37,300,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature, and to protect natural resources: Provided, That Congress hereby designates this amount 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. Provided further, That $16,795,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

[Total, USFWS, $38,900,000.]

**National Park Service**

**Construction**

For an additional amount for “Construction”, $47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods, and other acts of nature: Provided that Congress hereby designates this amount 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; provided further, that $13,399,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

**United States Geological Survey**

**Surveys, investigations, and research**

For an additional amount for “Surveys, investigations, and research”, $2,000,000, to remain available until September 30, 1997, for the costs related to hurricanes, floods, and other acts of nature: Provided, That Congress hereby designates this amount 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; provided further, that $824,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

**Bureau of Indian Affairs**

**Operation of Indian programs**

For an additional amount for “Operation of Indian Programs”, $500,000, to remain available until September 30, 1997, for emergency operations and repairs related to winter floods: 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.

**Construction**

For an additional amount for “Construction”, $16,500,000, to remain available until expended, for emergency repairs related to winter floods: Provided, That Congress hereby designates this amount 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, is transmitted by the President to the Congress.
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TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for “Assistance to Territories”, $13,000,000, to remain available until expended, for recovery efforts from Hurricane Marilyn: Provided, That Congress hereby designates this amount 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: Provided further, That $11,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

[Total, Department of the Interior, $157,900,000.]

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, $26,600,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, that Congress hereby designates this amount 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: Provided further, That $6,600,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

[Total, Forest Service, $87,400,000.]

CONSTRUCTION

For an additional amount for “Construction”, $60,800,000, to remain available until expended: Provided, That Congress hereby designates this amount 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: Provided further, That $20,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request 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, is transmitted by the President to the Congress.

[Total, Forest Service, $87,400,000.]

[Total, Chapter 5, $245,300,000.]
CHAPTER 6
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $37,500,000, to remain available until expended: Provided, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: 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.

GENERAL PROVISION

SEC. 2601. LAND CONVEYANCE, U.S. ARMY RESERVE, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located in Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

CHAPTER 7
DEPARTMENT OF DEFENSE—MILITARY
MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $257,200,000: Provided, 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.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $11,700,000: Provided, 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.
For an additional amount for “Military Personnel, Marine Corps”, $2,600,000: Provided, 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.

For an additional amount for “Military Personnel, Air Force”, $27,300,000: Provided, 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.  

[Total, Military Personnel, $298,800,000.]

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance, Army”, $241,500,000: Provided, 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.

For an additional amount for “Operation and Maintenance, Marine Corps”, $900,000: Provided, 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.

For an additional amount for “Operation and Maintenance, Air Force”, $173,000,000: Provided, 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.

[Total, O&M, $540,100,000.]

PROCUREMENT

For an additional amount for “Other Procurement, Air Force”, $26,000,000: Provided, 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 Provided in sec. 2708.
2 Transfer provided in sec. 2705.
Sec. 2701. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61), is amended by striking out "$2,400,000,000" and inserting in lieu thereof "$3,100,000,000": Provided, That the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred, during the current fiscal year to cover the costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

Sec. 2702. Notwithstanding any other provision of law, funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104–61) under the heading “Aircraft Procurement, Air Force” may be obligated for advance procurement and procurement of F–15E aircraft.

Sec. 2703. (a) Funds appropriated under the heading, “Aircraft Procurement, Air Force”, in Public Laws 104–61, 103–335 and 103–139 that are or remain available for C–17 airframes, C–17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C–17 aircraft: Provided, That the duration of multiyear contracts awarded under the authority of this subsection may be for a period not to exceed seven program years, notwithstanding section 2306b(k) of title 10, United States Code: Provided further, That the funds referred to in this subsection also may be used for advance procurement for up to ten C–17 aircraft in fiscal year 1997: Provided further, That the advance procurement funds referred to in this subsection may be used to fund Economic Order Quantities for up to eighty aircraft.

(b) Immediately upon enactment of this Act, the Secretary of Defense shall enter into negotiations with the C–17 aircraft and engine prime contractors for a baseline fixed price contract for multiyear procurement of eighty C–17 aircraft over a period of seven program years, and alternatives for multiyear procurement of eighty C–17 aircraft over a period of six program years.

(c) The authority to award a multiyear contract as provided in subsection (a) shall not be effective until the Secretary of Defense certifies to the Congressional defense committees that the Air Force will realize a savings of more than 5 percent in the total flyaway price for the eighty C–17 aircraft under a C–17 multiyear contract as compared to annual lot procurement of the aircraft at the maximum affordable rate profile approved in the November 3, 1995, Acquisition Decision Memorandum: Provided, That these savings shall exceed the estimates presented in the “Multiyear Procurement Criteria Program: C–17” documents submitted pursuant to the request for a fiscal year 1996 supplemental appropriation transmitted to the Congress.

(d) The authority under subsection (a) may not be used to execute a multiyear procurement contract until the earlier of (1) May 24, 1996, or (2) the day after the date of the enactment of an Act that contains a provision authorizing the Department of Defense to enter into a multiyear contract for the C–17 aircraft program.

(e) Not later than May 24, 1996, the Secretary of Defense shall submit to the Congressional defense committees a report providing a detailed program plan for the six-year multiyear

1 Additional transfer authority.
SEC. 2704. In addition to the amounts made available in Public Law 104–61 under the heading “Research, Development, Test and Evaluation, Defense-Wide”, $50,000,000 is hereby appropriated and made available to continue the activities of the semiconductor manufacturing consortium known as Sematech.

(TRANSFER OF FUNDS)

SEC. 2705. Of the funds appropriated in title II of Public Law 104–61, under the heading “Overseas Humanitarian, Disaster, and Civic Aid”, for training and activities related to the clearing of landmines for humanitarian purposes, up to $15,000,000 may be transferred to “Operation and Maintenance, Defense-Wide”, to be available for the payment of travel, transportation and subsistence expenses of Department of Defense personnel incurred in carrying out humanitarian assistance activities related to the detection and clearance of landmines.

SEC. 2706. Notwithstanding any other provision of law, $15,000,000 of the amount made available in title II, under the heading “Operation and Maintenance, Army” in Public Law 104–61 shall be paid to National Presto Industries, Inc. for the purpose of environmental restoration at the National Presto Industries, Inc., site in Eau Claire, Wisconsin, in recognition of the 1988 Agreement between the Department of the Army and National Presto Industries, Inc.

AIDS.

SEC. 2707. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV–1 virus, is repealed.

(2) The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal Year 1996 is repealed.

SEC. 2708. In addition to the amounts made available in title II of Public Law 104–61, under the heading “Operation and Maintenance, Air Force”, $44,900,000 is hereby appropriated and made available for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve.

SEC. 2709. In addition to the amounts made available in title IV of Public Law 104–61, under the heading “Research, Development, Test and Evaluation, Navy”, $10,000,000 is hereby appropriated and made available for Shallow Water Mine Countermeasure Demonstrations, of which $5,000,000 shall be made available for the Advanced Lightweight Influence Sweep System Development program.

(TRANSFER OF FUNDS)

SEC. 2710. Of the funds appropriated or otherwise made available in title VI of Public Law 104–61, under the heading “Defense Health Program”, $8,000,000 are transferred to and merged with funds appropriated or otherwise made available under title IV of that Act under the heading “Research, Development, Test and Evaluation, Army” and shall be available only for obligation and expenditure for advanced research into neurofibromatosis.

1 Transfer.
SEC. 2711. Of the funds available to the Department of Defense in title VI, Public Law 104–61, under the heading “Drug Interdiction and Counter-Drug Activities, Defense”, $220,000 shall be made available only for the procurement of Kevlar vests for personal protection of counter-drug personnel. Provided, That notwithstanding any other provision of law, the Department is authorized to transfer these Kevlar vests to local counter-drug personnel in high crime areas.

SEC. 2712. Before the period at the end of section 8105 of Public Law 104–61, insert the following: “: Provided, That the Department of Defense shall release to the Department of the Air Force all such funds not later than May 31, 1996, and the Air Force shall obligate all such funds in compliance with this section not later than June 30, 1996”.

[Total, RDT&E, $60,000,000.]
[Total, Chapter 7, $924,900,000.]

CHAPTER 8
DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

The first proviso under the head “Payments to Air Carriers” in Title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50), is amended to read as follows: “Provided, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996.”.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS
(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, $300,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, 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, is transmitted by the President to Congress: 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: Provided further, That the provisions of 23 U.S.C. 125(b)(1) shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.
For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

OTHER INDEPENDENT AGENCIES

Panama Canal Commission

Panama Canal Revolving Fund

For an additional amount for administrative expenses, $2,000,000, to be derived from the Panama Canal Revolving Fund.

GENERAL PROVISIONS

SEC. 2801. Notwithstanding any other provision of law, limitations deducted pursuant to the provisions of section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1996, for discretionary programs and the limitation on general operating expenses for both annual and no-year programs, not to exceed $28,000,000 shall be available for making obligations for construction of a new Hannibal Bridge in Hannibal, Missouri. Provided further, That such limitation shall be restored to categories from which it was transferred before making redistribution of obligation in August of 1996 as provided by section 310 of the Act.

SEC. 2802. Notwithstanding any other provision of law, of the funds identified for distribution to the State of Vermont and the Marble Valley Regional Transit District in the matter under the heading "HIGHWAY TRUST FUND", under the heading "LIMITATION ON OBLIGATIONS", under the heading "DISCRETIONARY GRANTS" in the explanatory statement for the conference report to accompany H.R. 2002, House of Representatives report numbered 104±286, an amount not to exceed $3,500,000 may be used for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont.

SEC. 2803. In amending parts 119, 121, 125, or 135 of title 14, Code of Federal Regulations in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator deems appropriate effective through June 1, 1997.

SEC. 2804. Notwithstanding any other provision of law, $23,909,325 funds made available under Public Law 103±122 together with $21,534,347 funds made available under Public Law 103±331 for the "Chicago Central Area Circulator Project" shall be available only for the purposes of constructing a 5.2 mile light rail loop within the downtown Chicago business district as described
in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purposes.

CHAPTER 9

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS AP-
PROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses,"
$3,400,000.

GENERAL PROVISIONS

SEC. 2901. Title I of Public Law 104–52 is hereby amended by deleting ", not to exceed $1,406,000," under the heading "CUS-
TOMS SERVICES AT SMALL AIRPORTS".

SEC. 2902. Title I of Public Law 104–52 is hereby amended by adding the following new section under the heading "ADMINISTRA-
TIVE PROVISIONS—INTERNAL REVENUE SERVICE":

``SEC. 3. The funds provided in this Act shall be used to provide a level of service, staffing, and funding for Taxpayer Services Division operations which is not less than that provided in fiscal year 1995."

SEC. 2903. Title III of Public Law 104–52 is hereby amended by adding the following proviso before the last period under the heading "OFFICE OF NATIONAL DRUG CONTROL POLICY, SALARIES AND EXPENSES": ": Provided, That of the amounts available to the Counter-Drug Technology Assessment Center, no less than $1,000,000 shall be dedicated to conferences on model state drug laws".

SEC. 2904. COMPOSITION OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 637(b)(2) of the Treasury, Postal Serv-
ice, and General Government Appropriations Act, 1996 (Public Law 104–52, 109 Stat. 509) is amended—
(1) by striking "thirteen" and inserting "seventeen", and
(2) in subparagraphs (B) and (D)—
(A) by striking "Two" and inserting "Four", and
(B) by striking "one from private life" and inserting "three from private life".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.
For an additional amount for "Community development grants", $50,000,000, to remain available until September 30, 1998, for emergency expenses and repairs related to recent Presidential declared flood disasters, including up to $10,000,000 which may be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 104–19 up to $104,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $119,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, 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.

1 Transfer.
GENERAL PROVISIONS

SEC. 21101. In administering funds provided in this title for domestic assistance, the Secretary of any involved department may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use of the recipient of these funds, except for the requirement related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds would not be inconsistent with the overall purpose of the statute or regulation.

SEC. 21102. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21103. Notwithstanding section 106 of Public Law 104–99, sections 118, 121, and 129 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

SEC. 21104. The President may make available funds for assistance activities under titles II and IV of P. L. 104–107, beginning immediately upon enactment of this Act and without regard to monthly apportionment limitations, notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of the restrictions contained in that section would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions; Provided, That none of the funds appropriated or otherwise made available in P. L. 104–107 may be made available for obligation for the major foreign donor federation of international population assistance except through the regular notifications procedures of the Committees on Appropriations.

This title may be cited as the “Supplemental Appropriations Act of 1996”.

[Totak, title II, Supplemental Appropriations, 1996, $2,214,714,000.]

TITLE III
RESCISSIONS AND OFFSETS

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

SEC. 3101. SHORT TITLE.
This subchapter may be cited as the “USEC Privatization Act”.

SEC. 3102. DEFINITIONS.
For purposes of this subchapter:
(1) The term “AVLIS” means atomic vapor laser isotope separation technology.
(2) The term “Corporation” means the United States Enrichment Corporation and, unless the context otherwise requires, includes the private corporation and any successor thereto following privatization.
(3) The term “gaseous diffusion plants” means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) The term “highly enriched uranium” means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) The term “low-enriched uranium” means uranium enriched to less than 20 percent of the uranium-235 isotope, including that which is derived from highly enriched uranium.

(6) The term “low-level radioactive waste” has the meaning given such term in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) The term “private corporation” means the corporation established under section 3105.

(8) The term “privatization” means the transfer of ownership of the Corporation to private investors.

(9) The term “privatization date” means the date on which 100 percent of the ownership of the Corporation has been transferred to private investors.

(10) The term “public offering” means an underwritten offering to the public of the common stock of the private corporation pursuant to section 3104.


(12) The term “Secretary” means the Secretary of Energy.

(13) The “Suspension Agreement” means the Agreement to Suspend the Antidumping Investigation on Uranium from the Russian Federation, as amended.

(14) The term “uranium enrichment” means the separation of uranium of a given isotopic content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

SEC. 3103. SALE OF THE CORPORATION.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that provides for the long-term viability of the Corporation, provides for the continuation by the Corporation of the operation of the Department of Energy’s gaseous diffusion plants, provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services, and, to the extent not inconsistent with such purposes, secures the maximum proceeds to the United States.

(b) PROCEEDS.—Proceeds from the sale of the United States’ interest in the Corporation shall be deposited in the general fund of the Treasury.

SEC. 3104. METHOD OF SALE.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 3105 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the
SEC. 3105. ESTABLISHMENT OF PRIVATE CORPORATION.

(a) INCORPORATION.—(1) The directors of the Corporation shall establish a private for-profit corporation under the laws of a State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) The directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with the provisions of this subchapter.

(3) Employees and officers of the Corporation (including members of the Board of Directors) acting in accordance with this section on behalf of the private corporation shall be deemed to be acting in their official capacities as employees or officers of the Corporation for purposes of section 205 of title 18, United States Code.

(b) STATUS OF THE PRIVATE CORPORATION.—(1) The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) Except as otherwise provided by this subchapter, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.—Beginning on the privatization date, the restrictions stated in section 207 (a), (b), (c), and (d) of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the
Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) DISSOLUTION.—In the event that the privatization does not occur, the Corporation will provide for the dissolution of the private corporation within 1 year of the private corporation’s incorporation unless the Secretary of the Treasury or his delegate, upon the Corporation’s request, agrees to delay any such dissolution for an additional year.

SEC. 3106. TRANSFERS TO THE PRIVATE CORPORATION.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

1. the lease of the gaseous diffusion plants in accordance with section 3107,
2. all personal property and inventories of the Corporation,
3. all contracts, agreements, and leases under section 3108(a),
4. the Corporation’s right to purchase power from the Secretary under section 3108(b),
5. such funds in accounts of the Corporation held by the Treasury or on deposit with any bank or other financial institution as approved by the Secretary of the Treasury, and
6. all of the Corporation’s records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

SEC. 3107. LEASING OF GASEOUS DIFFUSION FACILITIES.

(a) TRANSFER OF LEASE.—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of such lease in accordance with the terms of such lease.

(b) RENEWAL.—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium but may, subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), grant the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

(d) DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) ENVIRONMENTAL AUDIT.—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted pursuant to section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c-2(e)).

(f) TREATMENT UNDER PRICE-ANDERSON PROVISIONS.—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, under this section shall be deemed to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).
(g) Waiver of EIS Requirement.—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 3108. TRANSFER OF CONTRACTS.

(a) Transfer of Contracts.—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation pursuant to section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)), or

(2) entered into by the Corporation before the privatization date.

(b) Nontransferable Power Contracts.—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under such contracts and shall continue to resell such power to the private corporation at cost during the term of such contracts.

(c) Effect of Transfer.—(1) Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of its obligations under such contracts, agreements, or leases during their terms. Performance of such obligations by the private corporation shall be considered performance by the United States.

(2) If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under such contract, agreement, or lease after any extension or material amendment, and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a), and

(B) arises out of actions of the private corporation between the privatization date and the date of a termination, extension, or material amendment of such contract, agreement, or lease.

(d) Pricing.—The Corporation may establish prices for its products, materials, and services provided to customers on a basis that will allow it to attain the normal business objectives of a profit making corporation.

SEC. 3109. LIABILITIES.

(a) Liability of the United States.—(1) Except as otherwise provided in this subchapter, all liabilities arising out of the oper-
ation of the uranium enrichment enterprise before July 1, 1993, shall remain the direct liabilities of the Secretary.

(2) Except as provided in subsection (a)(3) or otherwise provided in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising from any action taken by any agent or officer of the United States in connection with the privatization of the Corporation is hereby withdrawn.

(5) To the extent that any claim against the United States under this section is of the type otherwise required by Federal statute or regulation to be presented to a Federal agency or official for adjudication or review, such claim shall be presented to the Department of Energy in accordance with procedures to be established by the Secretary. Nothing in this paragraph shall be construed to impose on the Department of Energy liability to pay any claim presented pursuant to this paragraph.

(6) The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) LIABILITY OF THE CORPORATION.—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered in breach, default, or violation of any agreement because of the transfer of such agreement to the private corporation under section 3108 or any other action the Corporation is required to take under this subchapter.

(c) LIABILITY OF THE PRIVATE CORPORATION.—Except as provided in this subchapter, the private corporation shall be liable for any liabilities arising out of its operations after the privatization date.

(d) LIABILITY OF OFFICERS AND DIRECTORS.—(1) No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, such person was acting within the scope of his employment.


SEC. 3110. EMPLOYEE PROTECTIONS.

(a) CONTRACTOR EMPLOYEES.—(1) Privatization shall not diminish the accrued, vested pension benefits of employees of the Corporation's operating contractor at the two gaseous diffusion plants.

(2) In the event that the private corporation terminates or changes the contractor at either or both of the gaseous diffusion plants, the plan sponsor or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall
arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of such plan’s participants and beneficiaries from such plant to a pension plan sponsored by the new contractor or the private corporation or a joint labor-management plan, as the case may be.

(3) In addition to any obligations arising under the National Labor Relations Act (29 U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plant without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) in the event a collective bargaining agreement is not in effect upon the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as it had immediately before the privatization date.

(4) If the private corporation replaces its operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to non-management employees of the predecessor contractor to the extent that their jobs still exist or they are qualified for new jobs, and

(B) abide by the terms of the predecessor contractor’s collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) In the event of a plant closing or mass layoff (as such terms are defined in section 2101(a) (2) and (3) of title 29, United States Code) at either of the gaseous diffusion plants, the Secretary of Energy shall treat any adversely affected employee of an operating contractor at either plant who was an employee at such plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h–7274i).

(6)(A) The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Persons eligible for coverage under subparagraph (A) shall be limited to:

(i) persons who retired from active employment at one of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained either by the Corporation’s operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation’s operating contractor on or before the privatization date and are vested participants in a pension plan maintained either by the Corporation’s operating contractor or by a contractor employed
prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under their respective management.

(7)(A) Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act (29 U.S.C. 185).

(B) Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) Any suit alleging a violation of any provision of this subsection, to the extent it does not allege a violation of the National Labor Relations Act, may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—(1)(A) An employee of the Corporation that was subject to either the Civil Service Retirement System (referred to in this section as "CSRS") or the Federal Employees' Retirement System (referred to in this section as "FERS") on the day immediately preceding the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system, or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) An employee that makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for those employees who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the "normal cost" (determined using dynamic assumptions) of retirement benefits for those employees who elect to retain their coverage under CSRS pursuant to paragraph (1), with the concept of "normal cost" being used consistent with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed two percent of the amounts under subparagraphs (A) and (B), as are deter-
mined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the privatization date under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code). (3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for those employees who elect to retain their coverage under FERS pursuant to paragraph (1).

(4) Any employee of the Corporation who was subject to the Federal Employee Health Benefits Program (referred to in this section as "FEHBP") on the day immediately preceding the privatization date and who elects to retain coverage under either CSRS or FERS pursuant to paragraph (1) shall have the option to receive health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP, in lieu of coverage by the Corporation's health benefit system.

(5) The Corporation shall pay to the Employees Health Benefits Fund—

(A) such employee deductions and agency contributions as are required by section 8906 (a)-(f) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4); and

(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4).

(6) The amounts required under paragraph (5)(B) shall pay the Government contributions for retired employees who retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of such retired employees, and for survivors of employees of the Corporation who die after the privatization date, with said amounts prorated to reflect only that portion of the total service of such employees and retired persons that was performed for the Corporation after the privatization date.

SEC. 3111. OWNERSHIP LIMITATIONS.

(a) Securities Limitations.—No director, officer, or employee of the Corporation may acquire any securities, or any rights to acquire any securities of the private corporation on terms more favorable than those offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors,

(2) pursuant to any agreement, arrangement, or understanding entered into before the privatization date, or

(3) before the election of the directors of the private corporation.

(b) Ownership Limitation.—Immediately following the consummation of the transaction or series of transactions pursuant to which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of three years thereafter,
SEC. 3112. URANIUM TRANSFERS AND SALES.

(a) Transfers and Sales by the Secretary.—The Secretary shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

(b) Russian HEU.—(1) On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U\textsuperscript{235}. Uranium hexafluoride transferred to the Secretary pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(2) Within 7 years of the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary pursuant to paragraph (1). Such uranium hexafluoride shall be sold—

(A) at any time for use in the United States for the purpose of overfeeding;

(B) at any time for end use outside the United States;

(C) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or,

(D) in calendar year 2001 for consumption by end users in the United States not prior to January 1, 2002, in volumes not to exceed 3,000,000 pounds U\textsubscript{3}O\textsubscript{8} equivalent per year.

(3) With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, upon request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of such uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Russian Executive Agent shall be based on a tails assay of 0.30 U\textsuperscript{235}. Title to uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall transfer to the Russian Executive Agent upon delivery of such material to the Russian Executive Agent,
with such delivery to take place at a North American facility designated by the Russian Executive Agent. Uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall be deemed under U.S. law for all purposes to be of Russian origin. Such uranium hexafluoride may be sold to any person or entity for delivery and use in the United States only as permitted in subsections (b)(5), (b)(6) and (b)(7) of this section.

(4) In the event that the Russian Executive Agent does not exercise its right to enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium, as contemplated in paragraph (3), within 90 days of the date such low-enriched uranium is delivered to the United States Executive Agent, or upon request of the Russian Executive Agent, then the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride or U\textsubscript{3}O\textsubscript{8} (in the event that the conversion component of such hexafluoride has previously been sold) equivalent to the natural uranium component of such low-enriched uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. Such independent entity shall sell such uranium hexafluoride in one or more lots to any person or entity to maximize the proceeds from such sales, for disposition consistent with the limitations set forth in this subsection. The independent entity shall pay to the Russian Executive Agent the proceeds of any such auction less all reasonable transaction and other administrative costs. The quantity of such uranium hexafluoride auctioned shall be based on a tails assay of 0.30 U\textsuperscript{235}. Title to uranium hexafluoride auctioned pursuant to this paragraph shall transfer to the buyer of such material upon delivery of such material to the buyer. Uranium hexafluoride auctioned pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(5) Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4), may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998, and thereafter only in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Maximum Deliveries to End Users (millions lbs. U.O.\textsubscript{2} equivalent)</th>
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<tr>
<td>1998</td>
<td>2</td>
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<td>1999</td>
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<td>2007</td>
<td>18</td>
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<tr>
<td>2008</td>
<td>19</td>
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<tr>
<td>2009 and each year thereafter</td>
<td>20</td>
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</tbody>
</table>

(6) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time as Russian-origin natural uranium
in a matched sale pursuant to the Suspension Agreement, and in such case shall not be counted against the annual maximum deliveries set forth in paragraph (5).

(7) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time for use in the United States for the purpose of overfeeding in the operations of enrichment facilities.

(8) Nothing in this subsection (b) shall restrict the sale of the conversion component of such uranium hexafluoride.

(9) The Secretary of Commerce shall have responsibility for the administration and enforcement of the limitations set forth in this subsection. The Secretary of Commerce may require any person to provide any certifications, information, or take any action that may be necessary to enforce these limitations. The United States Customs Service shall maintain and provide any information required by the Secretary of Commerce and shall take any action requested by the Secretary of Commerce which is necessary for the administration and enforcement of the uranium delivery limitations set forth in this section.

(10) The President shall monitor the actions of the United States Executive Agent under the Russian HEU Agreement and shall report to the Congress not later than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on the domestic uranium mining, conversion, and enrichment industries, and the operation of the gaseous diffusion plants. Such report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on such industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

(c) Transfers to the Corporation.—(1) The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions in subsection (c)(2).

(2) The Corporation shall not deliver for commercial end use in the United States—
(A) any of the uranium transferred under this subsection before January 1, 1998;
(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or
(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) Inventory Sales.—(1) In addition to the transfers authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the Department of Energy's stockpile.

(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—
(A) the President determines that the material is not necessary for national security needs,
(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement, and
(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) Government Transfers.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—
(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;
(2) to any person for national security purposes, as determined by the Secretary; or
(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) Savings Provision.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

SEC. 3113. LOW-LEVEL WASTE.

(a) Responsibility of DOE.—(1) The Secretary, at the request of the generator, shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by—
(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of such wastes at a location other than the gaseous diffusion plants, or
(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) Except as provided in paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs, but in no event more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of such waste.

(3) In the event depleted uranium were ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for the disposal of depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) Agreements With Other Persons.—The generator may also enter into agreements for the disposal of low-level radioactive waste subject to subsection (a) with any person other than the Secretary that is authorized by applicable laws and regulations to dispose of such wastes.

(c) State or Interstate Compacts.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, and decommissioning of any uranium enrichment facility.
SEC. 3114. AVLIS.

(a) Exclusive Right to Commercialize.—The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Secretary.

(b) Transfer of Related Property to Corporation.—

(1) In General.—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), the President shall transfer without charge to the Corporation all of the right, title, or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation’s purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

(A) facilities, equipment, and materials for research, development, and demonstration activities; and

(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

(2) Exception.—Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) Expiration of Transfer Authority.—The President’s authority to transfer property under this subsection shall expire upon the privatization date.

(c) Liability for Patent and Related Claims.—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payments made or awards under section 157b.(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)), or any settlements or judgments involving claims for alleged patent infringement. Any royalty agreement under subsection (a) of this section shall provide for a reduction of royalty payments to the Secretary to offset any payments, awards, settlements, or judgments under this subsection.

SEC. 3115. APPLICATION OF CERTAIN LAWS.

(a) OSHA.—(1) As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, within 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of their authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to such hazards.

(b) Antitrust Laws.—For purposes of the antitrust laws, the performance by the private corporation of a “matched import” contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date, if at the time of privatization, such contract had been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.
(c) Energy Reorganization Act Requirements.—(1) The private corporation and its contractors and subcontractors shall be subject to the provisions of section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer subject to such section.

(2) With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) Repeal.—(1) Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297-2297e-7) are repealed as of the privatization date.

(2) The table of contents of such Act is amended as of the privatization date by striking the items referring to sections repealed by paragraph (1).

(b) NRC Licensing.—(1) Section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014v.) is amended by striking “or the construction and operation of a uranium enrichment facility using Atomic Vapor Laser Isotope Separation technology”.

(2) Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

“(f) Limitation.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or sections 53, 63, or 1701, if the Commission determines that—

“(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

“(2) the issuance of such a license or certificate of compliance would be inimical to—

“(A) the common defense and security of the United States; or

“(B) the maintenance of a reliable and economical domestic source of enrichment services.”.

(3) Section 1701(c)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f-1(c)(2)) is amended to read as follows:

“(2) Periodic Application for Certificate of Compliance.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less than every 5 years. The Commission shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review.”.

(4) Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f-1(a)) is amended—

(1) by striking “other than” and inserting “including”, and

(2) by striking “sections 53 and 63” and inserting “sections 53, 63, and 193”.

(c) Judicial Review of NRC Actions.—Section 189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended to read as follows:

“b. The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:
“(1) Any final order entered in any proceeding of the kind specified in subsection (a).

“(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

“(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any such facilities leased to a corporation established under the USEC Privatization Act.

“(4) Any final determination under section 1701(c) relating to whether the gaseous diffusion plants, including any such facilities leased to a corporation established under the USEC Privatization Act, are in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.”.

(d) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

(1) striking “any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109” and inserting: “any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701”; and

(2) by striking “any license issued thereunder” and inserting: “any license or certification issued thereunder”.

(e) REFERENCES TO THE CORPORATION.—Following the privatization date, all references in the Atomic Energy Act of 1954 to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 3117. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N) as added by section 902(b) of Public Law 102–486.

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(1)) is amended by inserting “or its successor” before the period.

SUBCHAPTER B

SEC. 3201. BONNEVILLE POWER ADMINISTRATION REFINANCING.

(a) DEFINITIONS.—

For the purposes of this section—

(1) “Administrator” means the Administrator of the Bonneville Power Administration;

(2) “capital investment” means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the
Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k);

(3) “new capital investment” means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1996;

(4) “old capital investment” means a capital investment the capitalized cost of which—

(A) was incurred, but not repaid, before October 1, 1996, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1996;

(5) “repayment date” means the end of the period within which the Administrator’s rates are to assure the repayment of the principal amount of a capital investment; and

(6) “Treasury rate” means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1996, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1996, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

(b) NEW PRINCIPAL AMOUNTS.—

(1) PRINCIPAL AMOUNT.—Effective October 1, 1996, an old capital investment has a new principal amount that is the sum of—

(A) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(B) an amount equal to $100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(2) DETERMINATION.—With the approval of the Secretary of the Treasury based solely on consistency with this section, the Administrator shall determine the new principal amounts under subsection (b) and the assignment of interest rates to the new principal amounts under subsection (c).

(3) OLD PAYMENT AMOUNTS.—For the purposes of this subsection, “old payment amounts” means, for an old capital investment, the annual interest and principal that the Administrator
would have paid to the United States Treasury from October 1, 1996, if this section had not been enacted, assuming that—
(A) the principal were repaid—
(i) on the repayment date the Administrator assigned before October 1, 1994, to the old capital investment, or
(ii) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1994, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1994; and
(B) interest were paid—
(i) at the interest rate the Administrator assigned before October 1, 1994, to the old capital investment, or
(ii) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1994, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

(c) Interest rate for new principal amounts.—
As of October 1, 1996, the unpaid balance on the new principal amount established for an old capital investment under subsection (b) bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

(d) Repayment dates.—
As of October 1, 1996, the repayment date for the new principal amount established for an old capital investment under subsection (b) is no earlier than the repayment date for the old capital investment assumed in subsection (b)(3)(A).

(e) Prepayment limitations.—
During the period October 1, 1996, through September 30, 2001, the total new principal amounts of old capital investments, as established under subsection (b), that the Administrator may pay before their respective repayment dates shall not exceed $100,000,000.

(f) Interest rates for new capital investments during construction.—
(1) New capital investment.—The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—
(A) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and
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(b) accrued interest during construction.

(2) Payment.—The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (f)(1).

(3) One-Year Rate.—For the purposes of this section, “one-year rate” for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

(g) Interest Rates for New Capital Investments.—

The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

(h) Credits to Administrator’s Repayment to the United States Treasury.—

The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law No. 103–436; 108 Stat. 4577) is amended by striking section 6 and inserting the following:

“SEC. 6. Credits to Administrator’s Repayment to the United States Treasury.

“So long as the Administrator makes annual payments to the tribes under the settlement agreement, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator’s payment, in the amount and for each fiscal year as follows: $15,860,000 in fiscal year 1997; $16,490,000 in fiscal year 1998; $17,150,000 in fiscal year 1999; $17,840,000 in fiscal year 2000; $18,550,000 in fiscal year 2001; and $4,600,000 in each succeeding fiscal year.”

(i) Contract Provisions.—

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and
D. any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part; and

(4) the contract provisions specified in this Part do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator’s authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) Savings Provisions.—

(1) Repayment.—This subchapter does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the “Administrator’s net proceeds,” as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(2) Payment of Capital Investment.—Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

CHAPTER 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading $42,000,000 are rescinded.
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CHAPTER 3
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

Strategic Petroleum Reserve

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, $227,000,000 worth of Strategic Petroleum Reserve oil from the Weeks Island site.

CHAPTER 4
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Job Opportunities and Basic Skills

(RESCISSION)

Of the funds made available under this heading elsewhere in this Act, there is rescinded an amount equal to the total of the funds within each State’s limitation for fiscal year 1996 that are not necessary to pay such State’s allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as amended by Public Law 100–485) is amended by adding: “reduced by an amount equal to the total of those funds that are within each State’s limitation for fiscal year 1996 that are not necessary to pay such State’s allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),”.

DEPARTMENT OF EDUCATION

Student Financial Assistance

Notwithstanding any other provision of this Act, the first and third dollar amounts provided in Title I of this Act under the heading “Student Financial Assistance” are hereby reduced by $53,446,000.

[Net total, Chapter 4, –$63,446,000.]

CHAPTER 5
MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds provided in Public Law 104–32, the Military Construction Appropriations Act, 1996, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $6,385,000; – $6,385,000 (rescission)
Military Construction, Navy, $6,385,000;
- 6,385,000
Military Construction, Air Force, $6,385,000; and
- 6,385,000
Military Construction, Defense-wide, $18,345,000.
[Net total, Chapter 5, – $37,500,000.]

CHAPTER 6

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

MISSILE PROCUREMENT, AIR FORCE
(RESCISSON)

Of the funds made available under this heading in Public
Law 103–335, $310,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE
(RESCISSON)

Of the funds made available under this heading in Public
Law 103–335, $265,000,000 are rescinded.

[Net total, Procurement, – $575,000,000.]

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY
(RECISISON)

Of the funds made available under this heading in Public
Law 104–61, $19,500,000 are rescinded: Provided, That this reduc-
tion shall be applied proportionally to each budget activity, activity
group and subactivity group and each program, project, and activity
within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
(RESCISISON)

Of the funds made available under this heading in Public
Law 104–61, $45,000,000 are rescinded: Provided, That this reduc-
tion shall be applied proportionally to each budget activity, activity
group and subactivity group and each program, project, and activity
within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE
(RESCISSIONS)

Of the funds made available under this heading in Public
Law 103–335, $245,000,000 are rescinded.

Of the funds made available under this heading in Public
Law 104–61, $69,800,000 are rescinded: Provided, That this reduc-
tion shall be applied proportionally to each budget activity, activity
group and subactivity group and each program, project, and activity
within this appropriation account.

[Total, – $314,800,000.]

Note: All extensions are rescissions.
Of the funds made available under this heading in Public Law 104–61, $40,600,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account: Provided further, That no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense. 

[Net total, RDT&E, \( -$419,900,000 \).]

[Net total, Chapter 6, \( -$994,900,000 \).]

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $664,000,000 are rescinded. \(- 664,000,000 \)

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $9,000,000 are rescinded. \(- 9,000,000 \)

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $33,000,000 are rescinded. \(- 33,000,000 \)

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $56,000,000 are rescinded. \(- 56,000,000 \)

[Net total, Chapter 7, \( -$762,000,000 \).]

Note: All extensions are rescissions.
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CHAPTER 8
TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT
INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE
(RESCISsION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $3,400,000 are rescinded: Provided, That the aggregate amount made available to the Fund shall be $5,062,749,000.

CHAPTER 9
DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Of the funds made available under this heading and under the heading “Disaster relief emergency contingency fund” in Public Law 104–19, $1,000,000,000 are rescinded.

CHAPTER 10
DEBT COLLECTION IMPROVEMENTS

SEC. 31001. DEBT COLLECTION IMPROVEMENT ACT OF 1996.

(a)(1) This section may be cited as the “Debt Collection Improvement Act of 1996”.

(2)(A) In General.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(B) Offsets from Social Security Payments, Etc.—Subparagraph (A) of section 3716(c)(3) of title 31, United States Code (as added by subsection (d)(2) of this section), shall apply only to payments made after the date which is 4 months after the date of the enactment of this Act.

(b) The purposes of this section are the following:

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

(4) To ensure that the public is fully informed of the Federal Government’s debt collection policies and that debtors are cog-
nizant of their financial obligations to repay amounts owed to the Federal Government.

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

(c) Chapter 37 of title 31, United States Code, is amended—

(1) in each of sections 3711, 3716, 3717, and 3718, by striking “the head of an executive or legislative agency” each place it appears and inserting “the head of an executive, judicial, or legislative agency”; and

(2) by amending section 3701(a)(4) to read as follows:

(4) ‘executive, judicial, or legislative agency’ means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.”.

(d)(1) PERSONS SUBJECT TO ADMINISTRATIVE OFFSET.—Section 3701(c) of title 31, United States Code, is amended to read as follows:

“(c) In sections 3716 and 3717 of this title, the term ‘person’ does not include an agency of the United States Government.”.

(2) REQUIREMENTS AND PROCEDURES.—Section 3716 of title 31, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

“(b) Before collecting a claim by administrative offset, the head of an executive, judicial, or legislative agency must either—

(1) adopt, without change, regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office, or the Department of the Treasury; or

(2) prescribe regulations on collecting by administrative offset consistent with the regulations referred to in paragraph (1).”;

(B) by amending subsection (c)(2) to read as follows:

“(2) when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.”;

(C) by redesignating subsection (c) as subsection (e); and

(D) by inserting after subsection (b) the following new subsections:

“(c)(1)(A) Except as otherwise provided in this subsection, a disbursing official of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other government corporation, or any disbursing official of the United States designated by the Secretary of the Treasury, shall offset at least annually the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement, by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

“(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims
arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

“(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965 shall not be subject to administrative offset under this subsection.

“(2) Neither the disbursing official nor the payment certifying agency shall be liable—

“(A) for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied; or

“(B) for failure to provide timely notice under paragraph (8).

“(3)(A)(i) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), except as provided in clause (ii), all payments due to an individual under—

“(I) the Social Security Act,

“(II) part B of the Black Lung Benefits Act, or

“(III) any law administered by the Railroad Retirement Board (other than payments that such Board determines to be tier 2 benefits),

shall be subject to offset under this section.

“(ii) An amount of $9,000 which a debtor may receive under Federal benefit programs cited under clause (i) within a 12-month period shall be exempt from offset under this subsection. In applying the $9,000 exemption, the disbursing official shall—

“(I) reduce the $9,000 exemption amount for the 12-month period by the amount of all Federal benefit payments made during such 12-month period which are not subject to offset under this subsection; and

“(II) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

“(B) The Secretary of the Treasury shall exempt from administrative offset under this subsection payments under means-tested programs when requested by the head of the respective agency. The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under standards prescribed by the Secretary. Such standards shall take due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program. The Secretary shall report to the Congress annually on exemptions granted under this section.

“(C) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any administrative offset
executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act, respectively.

“(4) The Secretary of the Treasury may charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring a claim for those amounts. Fees charged to the agencies shall be based on actual administrative offsets completed. Amounts received by the United States as fees under this subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

“(5) The Secretary of the Treasury in consultation with the Commissioner of Social Security and the Director of the Office of Management and Budget, may prescribe such rules, regulations, and procedures as the Secretary of the Treasury considers necessary to carry out this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

“(6) Any Federal agency that is owed by a person a past due, legally enforceable nontax debt that is over 180 days delinquent, including nontax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such nontax debts for purposes of administrative offset under this subsection.

“(7)(A) The disbursing official conducting an administrative offset with respect to a payment to a payee shall notify the payee in writing of—

“(i) the occurrence of the administrative offset to satisfy a past due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the payee against which the offset was executed;

“(ii) the identity of the creditor agency requesting the offset;

and

“(iii) a contact point within the creditor agency that will handle concerns regarding the offset.

“(B) If the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the administrative offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such administrative offset.

“(8) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for administrative offset pursuant to other laws.

“(d) Nothing in this section is intended to prohibit the use of any other administrative offset authority existing under statute or common law.”.

(3) NONTAX DEBT OR CLAIM DEFINED.—Section 3701 of title 31, United States Code, is amended in subsection (a) by adding at the end the following new paragraph:
“(8) ‘nontax’ means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.”.

(4) TreaSury CheCk WIThHOLDING.—Section 3712 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) TreaSury CheCk OffSEt.—

“(1) In general.—To facilitate collection of amounts owed by presenting banks pursuant to subsection (a) or (b), upon the direction of the Secretary, a Federal reserve bank shall withhold credit from banks presenting Treasury checks for ultimate charge to the account of the United States Treasury. By presenting Treasury checks for payment a presenting bank is deemed to authorize this offset.

“(2) Attempt to collect required.—Prior to directing offset under subsection (a)(1), the Secretary shall first attempt to collect amounts owed in the manner provided by sections 3711 and 3716.”.

(e) Section 3716 of title 31, United States Code, as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new subsections:

“(f) The Secretary may waive the requirements of sections 552a(o) and (p) of title 5 for administrative offset or claims collection upon written certification by the head of a State or an executive, judicial, or legislative agency seeking to collect the claim that the requirements of subsection (a) of this section have been met.

“(g) The Data Integrity Board of the Department of the Treasury established under 552a(u) of title 5 shall review and include in reports under paragraph (3)(D) of that section a description of any matching activities conducted under this section. If the Secretary has granted a waiver under subsection (f) of this section, no other Data Integrity Board is required to take any action under section 552a(u) of title 5.”.

(f) Section 3716 of title 31, United States Code, as amended by subsections (d) and (e) of this section, is further amended by adding at the end the following new subsection:

“(h)(1) The Secretary may, in the discretion of the Secretary, apply subsection (a) with respect to any past-due, legally-enforceable debt owed to a State if—

“(A) the appropriate State disbursing official requests that an offset be performed; and

“(B) a reciprocal agreement with the State is in effect which contains, at a minimum—

“(i) requirements substantially equivalent to subsection (b) of this section; and

“(ii) any other requirements which the Secretary considers appropriate to facilitate the offset and prevent duplicative efforts.

“(2) This subsection does not apply to—

“(A) the collection of a debt or claim on which the administrative costs associated with the collection of the debt or claim exceed the amount of the debt or claim; or

“(B) any collection of any other type, class, or amount of claim, as the Secretary considers necessary to protect the interest of the United States; or
“(C) the disbursement of any class or type of payment exempted by the Secretary of the Treasury at the request of a Federal agency.

“(3) In applying this section with respect to any debt owed to a State, subsection (c)(3)(A) shall not apply.”.

(g)(1) TITLE 31.—Title 31, United States Code, is amended—
(A) in section 3322(a), by inserting “section 3716 and section 3720A of this title and” after “Except as provided in”; 
(B) in section 3325(a)(3), by inserting “or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title,” after “voucher”; and

(C) in each of sections 3711(e)(2) and 3717(h) by inserting “, the Secretary of the Treasury,” after “Attorney General”.

(2) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 6103(l)(10) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(10)) is amended by inserting “and to officers and employees of the Department of the Treasury in connection with such reduction” after “6402”.

(h) Section 5514 of title 5, United States Code, is amended—
(A) in subsection (a)—
(i) by adding at the end of paragraph (1) the following:
“All Federal agencies to which debts are owed and which have outstanding delinquent debts shall participate in a computer match at least annually of their delinquent debt records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. The preceding sentence shall not apply to any debt under the Internal Revenue Code of 1986. Matched Federal employee records shall include, but shall not be limited to, records of active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, employees of other government corporations, and seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.”;

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(iii) by inserting after paragraph (2) the following new paragraph:
“(3) Paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to $50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.”; and

(iv) by amending paragraph (5)(B) (as redesignated by clause (ii) of this subparagraph) to read as follows:
“(B) ‘agency’ includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States Postal Records.
House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, and government corporations.";
(B) by adding after subsection (c) the following new subsection:
"(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section.".
(i) In general.—Section 7701 of title 31, United States Code, is amended by adding at the end the following new subsections:
"(c)(1) The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person's taxpayer identifying number.

(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—
"(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

(C) a contractor of the agency;

(D) assessed a fine, fee, royalty or penalty by the agency; and

(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government.

(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

(2) Included federal loan program defined.—Subparagraph (C) of section 6103(l)(3) of the Internal Revenue Code of 1986 (relating to disclosure that applicant for Federal loan has tax delinquent account) is amended to read as follows:
“(C) Included Federal Loan Program Defined.—For purposes of this paragraph, the term ‘included Federal loan program’ means any program under which the United States or a Federal agency makes, guarantees, or insures loans.”

(3) Clerical Amendments.—

(A) The chapter title to chapter 77 of subtitle VI of title 31, United States Code, is amended to read as follows:

“CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION”.

(B) The table of chapters for subtitle VI of title 31, United States Code, is amended by inserting before the item relating to chapter 91 the following new item:

“77. Access to information for debt collection ........................................ 7701”.

(j)(1) In General.—Title 31, United States Code, is amended by inserting after section 3720A the following new section:

“§ 3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees

“(a) Unless this subsection is waived by the head of a Federal agency, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee administered by the agency if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional loans or loan guarantees only after such delinquency is resolved in accordance with those standards. The Secretary of the Treasury may exempt, at the request of an agency, any class of claims.

“(b) The head of a Federal agency may delegate the waiver authority under subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency.”

(2) Clerical Amendment.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

“3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.”.

(k) Section 3711(f) of title 31, United States Code, is amended—

(1) by striking “may” the first place it appears and inserting “shall”;

(2) by striking “an individual” each place it appears and inserting “a person”;

(3) by striking “the individual” each place it appears and inserting “the person”; and

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

“(4) The head of each executive agency shall require, as a condition for insuring or guaranteeing any loan, financing, or other extension of credit under any law to a person, that the lender provide information relating to the extension of credit to consumer reporting agencies or commercial reporting agencies, as appropriate.

“(5) The head of each executive agency may provide to a consumer reporting agency or commercial reporting agency information from a system of records that a person is responsible for a claim which is current, if notice required by section 552a(e)(4)
(l) Section 3718 of title 31, United States Code, is amended—
(1) in subsection (a), by striking the first sentence and inserting the following: "Under conditions the head of an executive, judicial, or legislative agency considers appropriate, the head of the agency may enter into a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. The head of an agency may not enter into a contract under the preceding sentence to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets."; and
(2) in subsection (d), by inserting "or to locate or recover assets of," after "owed".

(m)(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsections:
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“(4) At the discretion of the Secretary of the Treasury, referral of a nontax claim may be made to—

“(A) any executive department or agency operating a debt collection center for servicing, collection, compromise, or suspension or termination of collection action;

“(B) a private collection contractor operating under a contract for servicing or collection action; or

“(C) the Department of Justice for litigation.

“(5) Nontax claims referred or transferred under this section shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities. Executive departments and agencies operating debt collection centers may enter into agreements with the Secretary of the Treasury to carry out the purposes of this subsection. The Secretary of the Treasury shall—

“(A) maintain competition in carrying out this subsection;

“(B) maximize collections of delinquent debts by placing delinquent debts quickly;

“(C) maintain a schedule of private collection contractors and debt collection centers eligible for referral of claims; and

“(D) refer delinquent debts to the person most appropriate to collect the type or amount of claim involved.

“(6) Any agency operating a debt collection center to which nontax claims are referred or transferred under this subsection may charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the nontax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund an activity from another account or from revenue received from the procedure described under section 3720C of this title. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

“(7) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (in this subsection referred to in this section as the `Account'). Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of Governmentwide debt collection activities. Costs properly chargeable to the Account include—

“(A) the costs of computer hardware and software, word processing and telecommunications equipment, and other equipment, supplies, and furniture;

“(B) personnel training and travel costs;

“(C) other personnel and administrative costs;

“(D) the costs of any contract for identification, billing, or collection services; and

“(E) reasonable costs incurred by the Secretary of the Treasury, including services and utilities provided by the Secretary, and administration of the Account.
“(8) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year, minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

“(9) Before discharging any delinquent debt owed to any executive, judicial, or legislative agency, the head of such agency shall take all appropriate steps to collect such debt, including (as applicable)—

“(A) administrative offset,
“(B) tax refund offset,
“(C) Federal salary offset,
“(D) referral to private collection contractors,
“(E) referral to agencies operating a debt collection center,
“(F) reporting delinquencies to credit reporting bureaus,
“(G) garnishing the wages of delinquent debtors, and
“(H) litigation or foreclosure.

“(10) To carry out the purposes of this subsection, the Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary considers necessary and transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues that result from debt collections.

“(h)(1) The head of an executive, judicial, or legislative agency acting under subsection (a)(1), (2), or (3) of this section to collect a claim, compromise a claim, or terminate collection action on a claim may obtain a consumer report (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) or comparable credit information on any person who is liable for the claim.

“(2) The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).”.

(2) RETURNS RELATING TO CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.—

(A) IN GENERAL.—Subsection (a) of section 6050P of the Internal Revenue Code of 1986 (relating to returns relating to the cancellation of indebtedness by certain financial entities) is amended by striking “applicable financial entity” and inserting “applicable entity”.

(B) ENTITIES TO WHICH REQUIREMENT APPLIES.—Subsection (c) of section 6050P of such Code is amended—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) APPLICABLE ENTITY.—The term ‘applicable entity’ means—

“(A) an executive, judicial, or legislative agency (as defined in section 3701(a)(4) of title 31, United States Code), and
“(B) an applicable financial entity.”, and
(ii) in paragraph (3), as so redesignated, by striking "(1)(B)" and inserting "(1)(A) or (2)(B)".

(C) ALTERNATIVE PROCEDURE.—Section 6050P of such Code is amended by adding at the end the following new subsection:

"(e) ALTERNATIVE PROCEDURE.—In lieu of making a return required under subsection (a), an agency described in subsection (c)(1)(A) may submit to the Secretary (at such time and in such form as the Secretary may by regulations prescribe) information sufficient for the Secretary to complete such a return on behalf of such agency. Upon receipt of such information, the Secretary shall complete such return and provide a copy of such return to such agency."

(D) CONFORMING AMENDMENTS.—

(i) Subsection (d) of section 6050P of such Code is amended by striking "applicable financial entity" and inserting "applicable entity".

(ii) The heading of section 6050P of such Code is amended to read as follows:

"SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES."

(iii) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6050P and inserting the following new item:

"Sec. 6050P. Returns relating to the cancellation of indebtedness by certain entities."

(n) Effective October 1, 1995, section 11 of the Administrative Dispute Resolution Act (Public Law 101-552, 5 U.S.C. 571 note) shall not apply to the amendment made by section 8(b) of such Act.

(o)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720C, as added by subsection (t) of this section, the following new section:

"§ 3720D. Garnishment

"(a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.

"(b) In carrying out any garnishment of disposable pay of an individual under subsection (a), the head of an executive, judicial, or legislative agency shall comply with the following requirements:

"(1) The amount deducted under this section for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual.

"(2) The individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the head of the executive, judicial, or legislative agency, informing the individual of—

"(A) the nature and amount of the debt to be collected;
“(B) the intention of the agency to initiate proceedings
to collect the debt through deductions from pay; and
“(C) an explanation of the rights of the individual
under this section.
“(3) The individual shall be provided an opportunity to
inspect and copy records relating to the debt.
“(4) The individual shall be provided an opportunity to
enter into a written agreement with the executive, judicial,
or legislative agency, under terms agreeable to the head of
the agency, to establish a schedule for repayment of the debt.
“(5) The individual shall be provided an opportunity for
a hearing in accordance with subsection (c) on the determina-
tion of the head of the executive, judicial, or legislative agency
concerning—
“(A) the existence or the amount of the debt, and
“(B) in the case of an individual whose repayment
schedule is established other than by a written agreement
pursuant to paragraph (4), the terms of the repayment
schedule.
“(6) If the individual has been reemployed within 12 months
after having been involuntarily separated from employment,
no amount may be deducted from the disposable pay of the
individual until the individual has been reemployed continu-
ously for at least 12 months.
“(c)(1) A hearing under subsection (b)(5) shall be provided prior
to issuance of a garnishment order if the individual, on or before
the 15th day following the mailing of the notice described in sub-
section (b)(2), and in accordance with such procedures as the head
of the executive, judicial, or legislative agency may prescribe, files
a petition requesting such a hearing.
“(2) If the individual does not file a petition requesting a
hearing prior to such date, the head of the agency shall provide
the individual a hearing under subsection (a)(5) upon request, but
such hearing need not be provided prior to issuance of a garnish-
ment order.
“(3) The hearing official shall issue a final decision at the
earliest practicable date, but not later than 60 days after the
filing of the petition requesting the hearing.
“(d) The notice to the employer of the withholding order shall
contain only such information as may be necessary for the employer
to comply with the withholding order.
“(e)(1) An employer may not discharge from employment, refuse
to employ, or take disciplinary action against an individual subject
to wage withholding in accordance with this section by reason
of the fact that the individual’s wages have been subject to garnish-
ment under this section, and such individual may sue in a State
or Federal court of competent jurisdiction any employer who takes
such action.
“(2) The court shall award attorneys’ fees to a prevailing
employee and, in its discretion, may order reinstatement of the
individual, award punitive damages and back pay to the employee,
or order such other remedy as may be reasonably necessary.
“(f)(1) The employer of an individual—
“(A) shall pay to the head of an executive, judicial, or
legislative agency as directed in a withholding order issued
in an action under this section with respect to the individual,
“(B) shall be liable for any amount that the employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys’ fees, costs, and, in the court’s discretion, punitive damages.

“(2)(A) The head of an executive, judicial, or legislative agency may sue an employer in a State or Federal court of competent jurisdiction to recover amounts for which the employer is liable under paragraph (1)(B).

“(B) A suit under this paragraph may not be filed before the termination of the collection action, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period.

“(3) Notwithstanding paragraphs (1) and (2), an employer shall not be required to vary its normal pay and disbursement cycles in order to comply with this subsection.

“(g) For the purpose of this section, the term ‘disposable pay’ means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

“(h) The Secretary of the Treasury shall issue regulations to implement this section.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720C (as added by subsection (t) of this section) the following new item:

“3720D. Garnishment.”

(p) Section 3711 of title 31, United States Code, as amended by subsection (m) of this section, is further amended by adding at the end the following new subsection:

“(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any nontax debt owed to the United States that is delinquent for more than 90 days. Appropriate fees charged by a contractor to assist in the conduct of a sale under this subsection may be payable from the proceeds of the sale.

“(2) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States, if the Secretary of the Treasury determines the sale is in the best interests of the United States.

“(3) Sales of nontax debt under this subsection—

“(A) shall be for—

“(i) cash, or

“(ii) cash and a residuary equity or profit participation, if the head of the agency reasonably determines that the proceeds will be greater than sale solely for cash,

“(B) shall be without recourse, but may include the use of guarantees if otherwise authorized, and

“(C) shall transfer to the purchaser all rights of the Government to demand payment of the nontax debt, other than with respect to a residuary equity or profit participation under subparagraph (A)(iii).

“(4)(A) Within one year after the date of enactment of the Debt Collection Improvement Act of 1996, each executive agency with current and delinquent collateralized nontax debts shall report to the Congress on the valuation of its existing portfolio of loans,
notes and guarantees, and other collateralized debts based on standards developed by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury.

"(B) The Director of the Office of Management and Budget shall determine what information is required to be reported to comply with subparagraph (A). At a minimum, for each financing account and for each liquidating account (as those terms are defined in sections 502(7) and 502(8), respectively, of the Federal Credit Reform Act of 1990) the following information shall be reported:

"(i) The cumulative balance of current debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

"(ii) The cumulative balance of delinquent debts, debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

"(iii) The cumulative balance of guaranteed loans outstanding, the estimated net present value of such guarantees, the annual administrative expenses of such guarantees (including the portion of salaries and expenses that are directly related to such guaranteed loans), and the estimated net proceeds that would be received by the Government if such loan guarantees were sold.

"(iv) The cumulative balance of defaulted loans that were previously guaranteed and have resulted in loans receivables, the estimated net present value of such loan assets, the annual administrative expenses of such loan assets (including the portion of salaries and expenses that are directly related to such loan assets), and the estimated net proceeds that would be received by the Government if such loan assets were sold.

"(v) The marketability of all debts.

"(5) This subsection is not intended to limit existing statutory authority of agencies to sell loans, debts, or other assets.’’.

(q) Section 3717 of title 31, United States Code, is amended by adding at the end of subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may increase an administrative claim by the cost of living adjustment in lieu of charging interest and penalties under this section. Adjustments under this subsection will be computed annually.

"(2) For the purpose of this subsection—

‘‘(A) the term ‘cost of living adjustment’ means the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted; and

‘‘(B) the term ‘administrative claim’ includes all debt that is not based on an extension of Government credit through direct loans, loan guarantees, or insurance, including fines, penalties, and overpayments.’’.

(r)(1) In General.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720D, as added by subsection (o) of this section, the following new section:
§ 3720E. Dissemination of information regarding identity of delinquent debtors

(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

(2) Regulations under this subsection shall include—

(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.

(2) Clerical Amendment.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3720D (as added by subsection (o) of this section) the following new item:

“3720E. Dissemination of information regarding identity of delinquent debtors.”.


(A) by amending section 4 to read as follows:

“SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter—

(1) by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act, by the inflation adjustment described under section 5 of this Act; and

(2) publish each such regulation in the Federal Register.”;

(B) in section 5(a), by striking “The adjustment described under paragraphs (4) and (5)(A) of section 4” and inserting “The inflation adjustment under section 4”; and

(C) by adding at the end the following new section:

“SEC. 7. Any increase under this Act in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.”.

(2) Limitation on Initial Adjustment.—The first adjustment of a civil monetary penalty made pursuant to the amendment made by paragraph (1) may not exceed 10 percent of such penalty.

(t)(1) In General.—Title 31, United States Code, is amended by inserting after section 3720B (as added by subsection (j) of this section) the following new section:
§ 3720C. Debt Collection Improvement Account

(a)(1) There is hereby established in the Treasury a special fund to be known as the 'Debt Collection Improvement Account' (hereinafter in this section referred to as the 'Account').

(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that agency programs are credited with amounts transferred under subsection (b)(1).

(b)(1) Not later than 30 days after the end of a fiscal year, an agency may transfer to the Account the amount described in paragraph (3), as adjusted under paragraph (4).

(2) Agency transfers to the Account may include collections from—

(A) salary, administrative, and tax refund offsets;

(B) the Department of Justice;

(C) private collection agencies;

(D) sales of delinquent loans; and

(E) contracts to locate or recover assets.

(3) The amount referred to in paragraph (1) shall be 5 percent of the amount of delinquent debt collected by an agency in a fiscal year, minus the greater of—

(A) 5 percent of the amount of delinquent nontax debt collected by the agency in the previous fiscal year, or

(B) 5 percent of the average annual amount of delinquent nontax debt collected by the agency in the previous 4 fiscal years.

(4) In consultation with the Secretary of the Treasury, the Office of Management and Budget may adjust the amount described in paragraph (3) for an agency to reflect the level of effort in credit management programs by the agency. As an indicator of the level of effort in credit management, the Office of Management and Budget shall consider the following:

(A) The number of days between the date a claim or debt became delinquent and the date which an agency referred the debt or claim to the Secretary of the Treasury or obtained an exemption from this referral under section 3711(g)(2) of this title.

(B) The ratio of delinquent debts or claims to total receivables for a given program, and the change in this ratio over a period of time.

(c)(1) The Secretary of the Treasury may make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, such payments may be credited to subaccounts designated for debt collection.

(2) For purposes of this section, the term 'qualified expenses' means expenditures for the improvement of credit management, debt collection, and debt recovery activities, including—

(A) account servicing (including cross-servicing under section 3711(g) of this title),

(B) automatic data processing equipment acquisitions,

(C) delinquent debt collection,

(D) measures to minimize delinquent debt,

(E) sales of delinquent debt,

(F) asset disposition, and

(G) training of personnel involved in credit and debt management.

(3)(A) Amounts transferred to the Account shall be available to the Secretary of the Treasury for purposes of this section to
(B) As soon as practicable after the end of the third fiscal year after which amounts transferred are first available pursuant to this section, and every 3 years thereafter, any uncommitted balance in the Account shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(d) For direct loan and loan guarantee programs subject to title V of the Congressional Budget Act of 1974, amounts credited in accordance with subsection (c) shall be considered administrative costs.

(e) The Secretary of the Treasury shall prescribe such rules, regulations, and procedures as the Secretary considers necessary or appropriate to carry out the purposes of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720B (as added by subsection (j) of this section) the following new item:

“3720C. Debt Collection Improvement Account.”.

(u)(1) DISCRETIONARY AUTHORITY.—Section 3720A of title 31, United States Code, is amended by adding after subsection (h) the following new subsection:

“(i) An agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), may implement this section at its discretion.”

(2) FEDERAL AGENCY DEFINED.—Section 6402(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6402(f)) is amended to read as follows:

“(f) FEDERAL AGENCY.―For purposes of this section, the term ‘Federal agency’ means a department, agency, or instrumentality of the United States, and includes a Government corporation (as such term is defined in section 103 of title 5, United States Code).”.

(v)(1) NOTIFICATION OF SECRETARY OF THE TREASURY.—Section 3720A(a) of title 31, United States Code, is amended to read as follows:

“(a) Any Federal agency that is owed by a person a past-due, legally enforceable debt (including debt administered by a third party acting as an agent for the Federal Government) shall, and any agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), owed such a debt may, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once each year of the amount of such debt.”

(2) IMPLEMENTATION OF SUPPORT COLLECTION BY SECRETARY OF THE TREASURY.—Section 464(a) of the Social Security Act (42 U.S.C. 664(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

“This subsection may be executed by the disbursing official of the Department of the Treasury.”; and

(2) in paragraph (2)(A), by adding at the end the following:

“This subsection may be executed by the Secretary of the Department of the Treasury or his designee.”.

(w) Section 3720A(h) of title 31, United States Code, is amended to read as follows:

“(h)(1) The disbursing official of the Department of the Treasury—

“(1) shall notify a taxpayer in writing of—
“(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

“(B) the identity of the creditor agency requesting the offset; and

“(C) a contact point within the creditor agency that will handle concerns regarding the offset;

“(2) shall notify the Internal Revenue Service on a weekly basis of—

“(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

“(B) the amount of such offset; and

“(C) any other information required by regulations; and

“(3) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as that term is used in section 6109 of the Internal Revenue Code of 1986), and any other necessary identifiers.”

“(h)(2) The term ‘disbursing official’ of the Department of the Treasury means the Secretary or his designee.”

(x)(1) A MENDMENTS RELATING TO ELECTRONIC FUNDS TRANSFER.—Section 3332 of title 31, United States Code, popularly known as the Federal Financial Management Act of 1994, is amended—

(A) by redesignating subsection (e) as subsection (h), and

inserting after subsection (d) the following new subsections:

“(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120 (a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

“(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

“(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120 (a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

“(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

“(i) for individuals or classes of individuals for whom the compliance imposes a hardship;

“(ii) for classifications or types of checks; or

“(iii) in other circumstances as may be necessary.

“(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

“(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

“(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

“(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive...
electronic funds transfer payments through each institution or agent designated under paragraph (1),"; and
(B) by adding after subsection (h) (as so redesignated) the following new subsections:
"(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.
(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—
(A) will have access to such an account at a reasonable cost; and
(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.
"(j) For purposes of this section—
(1) The term ‘electronic funds transfer’ means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.
(2) The term ‘Federal agency’ means—
(A) an agency (as defined in section 101 of this title); and
(B) a Government corporation (as defined in section 103 of title 5).
(3) The term ‘Federal payments’ includes—
(A) Federal wage, salary, and retirement payments;
(B) vendor and expense reimbursement payments; and
(C) benefit payments.
Such term shall not include any payment under the Internal Revenue Code of 1986.
(2) AMENDMENTS RELATING TO SUBSTITUTE CHECKS.—Section 3331 of title 31, United States Code, is amended—
(A) in subsection (b), by striking "subsection (c)" and inserting "subsection (c) or (f)";
(B) by redesignating subsection (f) as subsection (g); and
(C) by inserting after subsection (e) the following new subsection:
"(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.”.
(3) PERMANENT FUNDING OF THE CHECK FORGERY INSURANCE FUND.—Section 3343 of title 31, United States Code, is amended—
(A) in subsection (a), by amending the second sentence to read as follows: “Necessary amounts are hereafter appropriated to the Fund out of any moneys in the Treasury not otherwise appropriated, and shall remain available until expended to make the payments required or authorized under this section.”;
(B) in subsection (b)—
(i) by inserting “in the determination of the Secretary the payee or special endorse establishes that” after “without interest if”;
(ii) in paragraph (2), by inserting “and” after the semicolon;
(iii) in paragraph (3), by striking “; and” and inserting a period; and
(iv) by striking paragraph (4);
(C) in subsection (d), by inserting after the first sentence the following new sentence: “The Secretary may use amounts in the Fund to reimburse payment certifying or authorizing agencies for any payment that the Secretary determines would otherwise have been payable from the Fund, and may reimburse certifying or authorizing agencies with amounts recovered because of payee nonentitlement.”;
(D) by redesignating subsection (e) as subsection (g); and
(E) by inserting after subsection (d) the following new subsections:
“(e) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.
(f) Under such conditions as the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may redelegate those duties and powers to officers or employees of the agency.”.
(y) Section 3325 of title 31, United States Code, is amended by adding at the end the following new subsection:
“(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable, shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.”.
(2)(1) **In General.**—Section 3701 of title 31, United States Code, is amended—
(A) by amending subsection (a)(1) to read as follows:
“(1) ‘administrative offset’ means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.”;
(B) by amending subsection (b) to read as follows:
“(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term ‘claim’ or ‘debt’ means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—
“(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government in the sale of a property and the amount owed to the Government on a mortgage on the property,
“(B) expenditures of nonappropriated funds,
“(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,
“(D) any amount the United States is authorized by statute to collect for the benefit of any person,
“(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner;

“(F) any fines or penalties assessed by an agency; and

“(G) other amounts of money or property owed to the Government.

“(2) For purposes of section 3716 of this title, each of the terms ‘claim’ and ‘debt’ includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.”;

(C) by adding after subsection (d) the following new subsection:

“(e) In section 3716 of this title—

“(1) ‘creditor agency’ means any agency owed a claim that seeks to collect that claim through administrative offset; and

“(2) ‘payment certifying agency’ means any agency that has transmitted a voucher to a disbursing official for disbursement.

“(f) In section 3711 of this title, ‘private collection contractor’ means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys.”;

(D) by amending subsection (d) to read as follows:

“(d) Sections 3711(f) and 3716–3719 of this title do not apply to a claim or debt under, or to an amount payable under—

“(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

“(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act and section 3716(c) of this title, or

“(3) the tariff laws of the United States.”.

(2) SOCIAL SECURITY.—

(A) APPLICATION OF AMENDMENTS MADE BY THIS ACT.—Subsection (f) of section 204 of the Social Security Act (42 U.S.C. 404) is amended to read as follows:

“(f)(1) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code and in section 5514 of title 5, United States Code, as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.”

(B) PERMANENT APPLICATION.—Subsection (c) of section 5 of the Social Security Domestic Reform Act of 1994 (Public Law 103–387) is amended by striking “and before” and all that follows and inserting a period.

(aa)(1) GUIDELINES.—The Secretary of the Treasury, in consultation with concerned Federal agencies, may establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the
(3) AGENCY REPORTS.—Section 3719 of title 31, United States Code, is amended—
(A) in subsection (a)—
(i) by amending the first sentence to read as follows: “In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency.”; and
(ii) in paragraph (3), by striking “Director” and inserting “Secretary”; and
(B) in subsection (b), by striking “Director” and inserting “Secretary”.

(4) CONSOLIDATION OF REPORTS.—Notwithstanding any other provision of law, the Secretary of the Treasury may consolidate reports concerning debt collection otherwise required to be submitted by the Secretary into one annual report.

(bb) The Director of the Office of Management and Budget shall—
(1) review the standards and policies of each Federal agency for compromising, writing-down, forgiving, or discharging indebtedness arising from programs of the agency;
(2) determine whether those standards and policies are consistent and protect the interests of the United States;
(3) in the case of any Federal agency standard or policy that the Director determines is not consistent or does not protect the interests of the United States, direct the head of the agency to make appropriate modifications to the standard or policy; and
(4) report annually to the Congress on—
(A) deficiencies in the standards and policies of Federal agencies for compromising, writing-down, forgiving, or discharging indebtedness; and
(B) progress made in improving those standards and policies.

(cc)(1) ELIMINATION OF MINIMUM NUMBER OF CONTRACTS.—Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.
(2) REPEAL.—Sections 3 and 5 of the Act of October 28, 1986 (popularly known as the Federal Debt Recovery Act; Public Law 99-578, 100 Stat. 3305) are hereby repealed.
agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the "Omnibus Consolidated Rescissions and Appropriations Act of 1996".

[Net total, Chapter 10, −$840,000,000.]

[Net total, title III, Rescissions and Offsets, −$3,970,246,000.]

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):
HOUSE REPORTS: No. 104–537 (Comm. of Conference).
SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 142 (1996):
Mar. 7, considered and passed House.
Mar. 11–15, 18, 19, considered and passed Senate, amended.
Apr. 25, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Apr. 26, Presidential statement.

Net grand total, Supplementals, Rescissions and Offsets, 1996 .............................................................. −$1,845,532,000
Appropriations ....................................................... (2,124,714,000)
Offsets ..................................................................... (− 577,000,000)
Rescissions ............................................................. (− 3,393,246,000)

Consisting of:
Department of Agriculture .................................................. 216,514,000
Department of Commerce .................................................. 25,500,000
Department of Defense (net) ............................................. − 70,000,000
Department of Defense—Civil ............................................ 165,000,000
Department of Education (rescission) ............................... − 53,446,000
Department of Energy (net) ............................................. − 212,000,000
Foreign Assistance (net) .................................................. 78,000,000
General Government—independent agencies (net) .......... − 996,600,000
General Services Administration (rescission) ..................... − 3,400,000
Department of Health and Human Services (offset) ........ − 10,000,000
Department of Housing and Urban Development ............. 50,000,000
Department of the Interior ............................................. 166,900,000
Small Business Administration ........................................ 100,000,000
Department of Transportation (net) ............................... − 462,000,000
Department of the Treasury (offset) ................................. − 340,000,000
Federal administrative and personal services expenses (rescission) .................................................. − 500,000,000
Joint Resolution

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

SEC. 2. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States" for Bosnia and Herzegovina, including demining assistance, $198,000,000: Provided, That of the funds appropriated under this heading by this Act that are made available for the economic revitalization program in Bosnia and Herzegovina, not less than 87.5 percent shall be obligated and expended for programs, projects, and activities, within the sector assigned to American forces of the military Implementation Force (IFOR) established by the North Atlantic Council pursuant to the General Framework Agreement for Peace in Bosnia and Herzegovina and within the Sarajevo area: Provided further, That the preceding proviso shall not apply to any project that involves activities in

both the American IFOR sector and other contiguous sectors: Provided further, That priority consideration should be given to projects and activities designated in the IFOR “Task Force Eagle civil military project list” in making available funds for the economic revitalization program: Provided further, That none of the funds appropriated under this heading by this Act shall be made available for the construction of new housing or residences in Bosnia and Herzegovina: Provided further, That none of the funds appropriated under this heading by this Act or under this heading in Public Law 104–107 may be made available for the purposes of repairing housing in areas where refugees or displaced persons are refused, by Federation or local authorities, the right of return due to ethnicity or political party affiliation: Provided further, That not to exceed $5,000,000 may be transferred to “Debt Restructuring” to be made available only for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, notwithstanding any other provision of law: Provided further, That $3,000,000 shall be transferred to “Operating Expenses of the Agency for International Development” for administrative expenses: Provided further, That the additional amount appropriated or otherwise made available herein 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: Provided further, That the provisions of section 515 of Public Law 104–107, and any similar provision of law requiring advance notification to the Congress, shall be applicable to funds appropriated under this heading, except that the requirements of those provisions shall be satisfied by notification five days in advance of the obligation of such funds: Provided further: That, effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading by this Act may be made available for the purposes of economic revitalization in Bosnia and Herzegovina unless the President determines and certifies in writing to the Committees on Appropriations that the aggregate bilateral contributions pledged by non-United States donors for economic revitalization are at least equivalent to the United States bilateral contributions for economic revitalization made by this Act and in Public Law 104–107: Provided further, That 50 percent of the funds appropriated under this heading by this Act that are made available for economic revitalization shall not be available for obligation unless the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has complied with article III of Annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has been terminated: Provided further, That funds withheld from obligation pursuant to the previous proviso may be made available for obligation and expenditure after June 15, 1996, notwithstanding the previous proviso if the President determines and reports to the Committees on Appropriations that it is important to the national security interest of the United States to do so: Provided further, That the authority contained in the previous proviso to make such a determination may be exercised by the President only and may not be delegated: Provided further, That with regard to funds appropriated under this heading by this Act (and local
currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and the Administrator shall receive the agreement of grantees that such funds shall be subject to audits by the Inspector General of the Agency for International Development: Provided further, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and the Administrator shall receive the agreement of grantees that such funds shall be subject to audits by the Inspector General of the Agency for International Development: Provided further, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for the use of funds that have been returned or repaid to any lending facility and grantee under the economic revitalization program prior to the use of such returned or repaid funds: Provided further, That, notwithstanding any provision of law under this heading in Public Law 104–107, the provisions of section 532 of that Act shall be applicable to funds appropriated under this heading that are used under the economic revitalization program and to local currencies generated by such funds: Provided further, That such local currencies may be used only for program purposes: Provided further, That for the purposes of this Act, local currency generations under the economic revitalization program shall include the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program.

Approved March 29, 1996.

LEGISLATIVE HISTORY—H.J. Res. 170:
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Mar. 29, Presidential statement.

Grand total, Baltic States Supplemental, 1996 .................. $198,000,000
By transfer ........................................................................ (8,000,000)

Consisting of:
Foreign Assistance ......................................................... 198,000,000
DESCRIPTION OF TABLES

Account Tables

1. Fiscal year 1995:
   Supplemental acts comparing appropriated with request
Fiscal year 1996:
   Regular annual acts comparing appropriated with fiscal year 1995 enacted
   (including supplementals) and with request
   Continuing acts comparing appropriated with request
   Supplemental acts comparing appropriated with request

Recapitulation Tables

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   1995 and with request
3. Mandatory and discretionary scoring of appropriations by act and by each
   stage of legislation
4. Appropriations for fiscal year 1996 by agency comparing appropriated with
   fiscal year 1995 and with request
5. Appropriations arranged by agency and fiscal year comparing appropriated
   with request
6. Action on appropriations for 104th Congress, 1st session comparing appro-
   priated with request at each stage of legislation
7. Historical comparison by sessions of Congress comparing appropriated with
   request
8. Total appropriations by sessions of Congress reflecting Federal and Trust
   funds

Supporting Tables

9. Rescissions and deferrals considered by agency and by fiscal year
10. OMB cumulative reports on rescissions and deferrals
11. Liquidation of contract authorization carried in appropriations acts
12. Permanent appropriations—Federal Funds
13. Permanent appropriations—Trust Funds
14. Listing of acts authorizing or containing appropriations
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<th>Tables for 104th Congress, 1st Session</th>
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<td>VIIIf. Recapitulation of comparisons for session</td>
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# TABLE 1. APPROPRIATIONS ACCOUNT TABLES

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995, PUBLIC LAW 104–6

[Amounts in dollars]

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<td><strong>CHAPTER I</strong></td>
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<td>EMERGENCY SUPPLEMENTAL APPROPRIATIONS</td>
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<td>+ 135,400,000</td>
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<td>Military Personnel, Navy</td>
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<td>Military Personnel, Marine Corps</td>
<td>1,300,000</td>
<td>2,800,000</td>
<td>+ 1,300,000</td>
</tr>
<tr>
<td>Military Personnel, Air Force</td>
<td>11,000,000</td>
<td>5,000,000</td>
<td>+ 5,000,000</td>
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<tr>
<td>Reserve Personnel, Army</td>
<td>69,300,000</td>
<td>260,700,000</td>
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<tr>
<td>Reserve Personnel, Navy</td>
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<td>183,100,000</td>
<td>+ 133,600,000</td>
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<tr>
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<td>10,400,000</td>
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<tr>
<td>Reserve Personnel, Air Force</td>
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<td>207,100,000</td>
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<td>Reserve Personnel, Defense-Wide</td>
<td>4,600,000</td>
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<td>Total, Military Personnel</td>
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<td>712,300,000</td>
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<td><strong>OPERATION AND MAINTENANCE</strong></td>
<td>958,600,000</td>
<td>936,600,000</td>
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<td>Operation and Maintenance, Army</td>
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<td>423,700,000</td>
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<td>Operation and Maintenance, Navy</td>
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<td>105,500,000</td>
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<td>Operation and Maintenance, Marine Corps</td>
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<tr>
<td>Total, Operation and Maintenance</td>
<td>2,282,500,000</td>
<td>2,307,900,000</td>
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<td><strong>PROCUREMENT</strong></td>
<td>28,600,000</td>
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<tr>
<td>Other Procurement, Army</td>
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<td>Total, Procurement</td>
<td>36,700,000</td>
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### OTHER DEPARTMENT OF DEFENSE PROGRAMS

<table>
<thead>
<tr>
<th>Document</th>
<th>Program Description</th>
<th>Budget Estimates, Fiscal Year 1995</th>
<th>Appropriated, Fiscal Year 1995</th>
<th>Difference</th>
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<tr>
<td>104-4</td>
<td>Defense health program</td>
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Total, Chapter I: 2,538,700,000

### CHAPTER II

RESCINDING CERTAIN BUDGET AUTHORITY

#### DEPARTMENT OF DEFENSE—MILITARY

#### OPERATION AND MAINTENANCE

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<tr>
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<td>Operation and Maintenance, Army National Guard</td>
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<td>Environmental Restoration, Defense</td>
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<td>Former Soviet Union threat reduction</td>
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Total, Operation and Maintenance: -414,400,000

### PROCUREMENT

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<td>Procurement of Ammunition, Army, 1993</td>
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Total, Procurement: -724,511,000
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<td>RELATED AGENCIES</td>
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<td>National Security Education Trust Fund: Total funding available</td>
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<td></td>
<td>CHAPTER III</td>
<td></td>
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<td>GENERAL PROVISIONS</td>
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<td>Fiscal year 1995</td>
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<td>Military Construction (sec. 113):</td>
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<td>Military construction, Army, 1995</td>
<td>¥3,500,000</td>
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<td>NATO, 1995</td>
<td>¥33,000,000</td>
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<td>Base realignment and closure account, Part III, 1993</td>
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<td>Military construction, Naval Reserve, 1992</td>
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<td>Expiring balances, fiscal year 1993, Title III (sec. 117)</td>
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<td>Net total, Chapter III</td>
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<td>¥732,303,000</td>
<td>¥400,600,000</td>
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### EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995, PUBLIC LAW 104-6—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>House Doc. No.</th>
<th>BILATERAL ECONOMIC ASSISTANCE</th>
<th>Debt restructuring: Debt relief for Jordan</th>
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<td>104-4</td>
<td>275,000,000</td>
<td>−275,000,000</td>
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**CHAPTER IV**

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

| Grants to the National Railroad Passenger Corporation: Capital | 21,500,000 | +21,500,000 |

Net total, Title I: 2,481,997,000 320,941,000 −2,161,056,000

**TITLE II—OTHER RESCISSIONS**

**CHAPTER I**

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

| Immigration Emergency Fund | −45,000,000 | −45,000,000 |

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

| Industrial technology services | −90,000,000 | −90,000,000 |

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

| Information infrastructure grants | −15,000,000 | −15,000,000 |

Total, Department of Commerce: −105,000,000 −105,000,000

**RELATED AGENCIES**

SMALL BUSINESS ADMINISTRATION

| Salaries and expenses | −15,000,000 | −15,000,000 |

LEGAL SERVICES CORPORATION

| Payment to the Legal Services Corporation | −15,000,000 | −15,000,000 |
### EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995, PUBLIC LAW 104–6—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total, Related Agencies</td>
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<td>−30,000,000</td>
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#### CHAPTER II

<table>
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<tr>
<th>DEPARTMENT OF ENERGY</th>
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#### Atomic Energy Defense Activities: Defense Environmental Restoration and Waste Management

|                      | −200,000,000 | −200,000,000 |

#### CHAPTER III

<table>
<thead>
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<th>MULTILATERAL ECONOMIC ASSISTANCE</th>
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#### INTERNATIONAL FINANCIAL INSTITUTIONS

|                      | −60,000,000 | −60,000,000 |
|                      | −62,014,000 | −62,014,000 |

#### BILATERAL ECONOMIC ASSISTANCE

<table>
<thead>
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<th>AGENCY FOR INTERNATIONAL DEVELOPMENT</th>
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</table>

| Development Assistance Fund           | −12,500,000 | −12,500,000 |
| Assistance for the New Independent States of the Former Soviet Union | −7,500,000 | −7,500,000 |

| Total, Agency for International Development | −20,000,000 | −20,000,000 |
| Total, Chapter III                      | −142,014,000 | −142,014,000 |

#### CHAPTER IV

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<table>
<thead>
<tr>
<th>DEPARTMENT OF ENERGY</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Clean coal technology:</th>
</tr>
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</table>

| Fiscal year 1996     | −50,000,000 | −50,000,000 |
| Fiscal year 1997     | −150,000,000 | −150,000,000 |
### DEPARTMENT OF THE INTERIOR

**United States Fish and Wildlife Service**

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<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<td>Resource management</td>
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<td>− 1,500,000</td>
<td>− 1,500,000</td>
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<td>− 201,500,000</td>
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### CHAPTER V

**DEPARTMENT OF LABOR

Employment and Training Administration**

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<th>Description</th>
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<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Training and employment services</td>
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<td>− 200,000,000</td>
<td>− 200,000,000</td>
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<td><strong>Total, Department of Education</strong></td>
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### CHAPTER VI

**DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration**

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<th>Description</th>
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<th>Difference</th>
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<tr>
<td>Facilities and equipment (Airport and Airway Trust Fund)</td>
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<td>− 35,000,000</td>
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<td><strong>Federal Highway Administration</strong></td>
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<td>− 12,004,450</td>
<td>− 12,004,450</td>
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<tr>
<td>Miscellaneous highway demonstration projects: (Highway Trust Fund)</td>
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<td>− 13,216,371</td>
<td>+ 6,653,371</td>
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<tr>
<td>Federal Railroad Administration</td>
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<td>− 40,000,000</td>
<td>− 40,000,000</td>
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<tr>
<td><strong>Total, Chapter VI</strong></td>
<td></td>
<td>− 13,216,371</td>
<td>− 80,351,079</td>
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**EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995, PUBLIC LAW 104–6—Continued**

[Amounts in dollars]

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<td>CHAPTER VII</td>
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<tr>
<td>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</td>
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<td>National aeronautical facilities (delay of obligation)</td>
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<td>Fiscal year 1997</td>
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Fiscal year 1995:
- Appropriations: 2,481,997,000
- Rescissions: -116,300,371
- Net total: 2,365,696,629

Fiscal year 1996:
- Appropriation offset: -50,000,000
- Rescission: -50,000,000
- Net total: -100,000,000

Fiscal year 1997:
- Appropriation: 365,000,000
- Rescission: -150,000,000
- Net total: 215,000,000

(By transfer) -23,500,000
### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104-19

[Amounts in dollars]

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<td>(in dollars)</td>
<td>(in dollars)</td>
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<td>2218000</td>
<td>+2218000</td>
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**TITLE I—SUPPLEMENTALS AND RESCISSIONS**

**CHAPTER I**

**DEPARTMENT OF AGRICULTURE**

... Agricultural Research Service (by transfer) .......................... (2218000)

**FOOD SAFETY AND INSPECTION SERVICE**

104-4 Salaries and expenses ......................................................... 9082000 9082000

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

... Salaries and expenses ............................................................ 5000000 +5000000

**COMMODITY CREDIT CORPORATION**

104-4 Commodity Credit Corporation Fund: Food for progress .......... (20000000) (20000000)

**GENERAL PROVISION**

104-4 Section 715 (increase in limitation) ................................. (24500000) (24500000)

**RESCISSIONS**

... Office of the Secretary ......................................................... -31000 -31000

... Alternative Agricultural Research and Commercialization .......... -1500000 -1500000

... Agricultural Research Service: Buildings and facilities ............ -1400000 -1400000

... Cooperative State Research Service ........................................ -1051000 -1051000

... Buildings and facilities .......................................................... -2184000 -2184000

... Animal and Plant Health Inspection Service: Buildings and facilities -2000000 -2000000

**RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION**

... Rural Housing Insurance Fund Program Account: Rental housing (sec. 515) (loan subsidy) .................. -15500000 -15500000

... Local technical assistance and planning grants ......................... -1750000 -1750000

... Alcohol Fuels Credit Guarantee Program Account (Public Law 102-341) ........................................ -9000000 -9000000

**RURAL ELECTRIFICATION ADMINISTRATION**

... Rural Electrification and Telephone Loans Program Account: Loan subsidies: Telephone 5 percent ........ -1500000 -1500000

**FOOD AND NUTRITION SERVICE**

... Special supplemental food program for women, infants, and children (WIC) ........................................... -2000000 -2000000

... Special supplemental food program for children (SNAP) .................. -2000000 -2000000
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

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<tr>
<td>Food stamp program:</td>
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<td>Public Law 480 Program Account:</td>
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### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RECISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

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<td>Construction of research facilities</td>
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<td>Construction</td>
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<td>$41,700,000</td>
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<td><strong>NATIONAL TECHNICAL INFORMATION SERVICE</strong></td>
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<td>Information infrastructure grants</td>
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### Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-Terrorism Initiatives, for Assistance in the Recovery from the Tragedy That Occurred at Oklahoma City, and Rescissions Act, 1995

### House Doc. No.

<table>
<thead>
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<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<td><strong>ECONOMIC DEVELOPMENT ADMINISTRATION</strong></td>
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<tr>
<td>Economic development assistance programs (Public Law 103–75 and 102–368)</td>
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<td>-5,250,000</td>
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<tr>
<td>(Public Law 103–317)</td>
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<tr>
<td><strong>Total, Department of Commerce</strong></td>
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<td>-142,000,000</td>
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</tbody>
</table>

| **THE JUDICIARY** |                               |            |
| **UNITED STATES COURT OF INTERNATIONAL TRADE** |                               |            |
| Salaries and expenses | -1,000,000 | -1,000,000 |
| **COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES** |                               |            |
| Defender services | -5,400,000 | -9,500,000 | -4,100,000 |
| Fees of jurors and commissioners | -5,000,000 | -5,000,000 |            |
| **Total, The Judiciary** | -10,400,000 | -15,500,000 | -5,100,000 |

| **RELATED AGENCIES** |                               |            |
| **SMALL BUSINESS ADMINISTRATION** |                               |            |
| Salaries and expenses | -15,000,000 | +15,000,000 |
| Business loans program account | -6,000,000 | +9,000,000 |
| **Total, Small Business Administration** | -15,000,000 | -6,000,000 | +9,000,000 |

| **DEPARTMENT OF STATE** |                               |            |
| **ADMINISTRATION OF FOREIGN AFFAIRS** |                               |            |
| Diplomatic and consular programs | -2,250,000 | -2,250,000 |
| Acquisition and maintenance of buildings abroad | -30,000,000 | -30,000,000 |
| **Total, Administration of Foreign Affairs** | -32,250,000 | -32,250,000 |

| **INTERNATIONAL ORGANIZATIONS AND CONFERENCES** |                               |            |
| Contributions for international peacekeeping activities | -14,617,000 | -14,617,000 |
| **Total, Department of State** | -46,867,000 | -46,867,000 |
### RELATED AGENCIES

**Arms Control and Disarmament Agency**

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<tr>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<tbody>
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<td>Arms control and disarmament activities</td>
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**Board for International Broadcasting**

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<tbody>
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<td>Israel relay station</td>
<td>$-2,000,000</td>
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**United States Information Agency**

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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</thead>
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<tr>
<td>Educational and cultural exchange programs</td>
<td>$-5,000,000</td>
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<tr>
<td>Radio construction</td>
<td>$-16,000,000</td>
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<tr>
<td>Radio Free Asia</td>
<td>$-5,000,000</td>
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</table>

Total, United States Information Agency | $-26,000,000 |

Net total, Chapter II | $625,853,000 |

### CHAPTER III

**Rescissions**

**Department of Defense—Civil**

**Department of the Army**

**Corps of Engineers—Civil**

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>General investigations</td>
<td>$-10,000,000</td>
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<tr>
<td>Construction, general</td>
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</table>

Total, Department of Defense—Civil | $-70,000,000 |

**Department of the Interior**

**Bureau of Reclamation**

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<th>Difference</th>
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<tbody>
<tr>
<td>Operation and maintenance</td>
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**Department of Energy**

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<th>Difference</th>
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<tbody>
<tr>
<td>Energy Supply, Research and Development Activities</td>
<td>$-74,000,000</td>
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### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104-19—Continued

[Amounts in dollars]

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<tbody>
<tr>
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<td>Total, Department of Energy</td>
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<td>Appalachian Regional Commission</td>
<td>$10,000,000</td>
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<td>Total, Chapter III</td>
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### CHAPTER IV

#### BILATERAL ECONOMIC ASSISTANCE

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<td>104-4</td>
<td>Development assistance fund</td>
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<td>104-4</td>
<td>Economic support fund</td>
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<td>104-4</td>
<td>Debt restructuring: Debt relief for Jordan</td>
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<td>104-4</td>
<td>Total, Bilateral Economic Assistance</td>
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### MILITARY ASSISTANCE

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<tbody>
<tr>
<td>104-4</td>
<td>Peacekeeping operations</td>
<td>$27,200,000</td>
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### RESCISSIONS

#### MULTILATERAL ECONOMIC ASSISTANCE

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<td>Development assistance fund</td>
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<td>Population, development assistance</td>
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<td>Development fund for Africa</td>
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<td>Debt restructuring under the Enterprise for the Americas Initiative</td>
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<td>Economic Support Fund</td>
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EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR
ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995,
PUBLIC LAW 104–19—Continued

[Amounts in dollars]

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<td>Assistance for the New Independent States of the Former Soviet Union</td>
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<td>NATIONAL PARK SERVICE</td>
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<td>BUREAU OF LAND MANAGEMENT</td>
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<td>Management of lands and resources</td>
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<tr>
<td>Payments in lieu of taxes</td>
<td>2,500,000</td>
<td>2,500,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Land acquisition</td>
<td>1,497,000</td>
<td>1,497,000</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total, Bureau of Land Management</td>
<td>4,967,000</td>
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<td>(4,967,000)</td>
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<tr>
<td></td>
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<tr>
<td>UNITED STATES FISH AND WILDLIFE SERVICE</td>
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<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td>Construction</td>
<td>12,415,000</td>
<td>0</td>
<td>(12,415,000)</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------</td>
<td>-------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td>Land acquisition</td>
<td></td>
<td>− 1,076,000</td>
</tr>
<tr>
<td></td>
<td>Total, United States Fish and Wildlife Service</td>
<td></td>
<td>− 13,491,000</td>
</tr>
<tr>
<td></td>
<td>Research, inventories, and surveys</td>
<td></td>
<td>− 14,549,000</td>
</tr>
<tr>
<td></td>
<td>Total, National Park Service</td>
<td></td>
<td>− 42,004,000</td>
</tr>
<tr>
<td></td>
<td>Royalty and offshore minerals management</td>
<td></td>
<td>− 514,000</td>
</tr>
<tr>
<td></td>
<td>Operation of Indian programs</td>
<td></td>
<td>− 4,850,000</td>
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<tr>
<td></td>
<td>Indian direct loan program account</td>
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<td></td>
<td>Total, Bureau of Indian Affairs</td>
<td></td>
<td>− 16,121,000</td>
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<tr>
<td></td>
<td>Administration of territories</td>
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<td>− 1,938,000</td>
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<td></td>
<td>Trust Territory of the Pacific Islands</td>
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<td></td>
<td>Compact of Free Association</td>
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<td>− 1,000,000</td>
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<tr>
<td></td>
<td>Total, Territorial and International Affairs</td>
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</tr>
<tr>
<td></td>
<td>Net total, Department of the Interior</td>
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<td>− 126,723,000</td>
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<tr>
<td></td>
<td>Forest research</td>
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<td>− 6,000,000</td>
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EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104-19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
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<tbody>
<tr>
<td>State and private forestry</td>
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<td>¥7,800,000</td>
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<tr>
<td>International forestry</td>
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<td>National forest system</td>
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<td>Construction</td>
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<td>Land acquisition</td>
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<td><strong>Total, Forest Service</strong></td>
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DEPARTMENT OF ENERGY

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<tbody>
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<td>Energy conservation</td>
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DEPARTMENT OF EDUCATION

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<tr>
<td>Office of Elementary and Secondary Education: Indian education</td>
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<td>¥2,000,000</td>
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<td><strong>OTHER RELATED AGENCIES</strong></td>
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SMITHSONIAN INSTITUTION

<table>
<thead>
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<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and improvements, National Zoological Park</td>
<td>¥1,000,000</td>
<td>¥1,000,000</td>
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<td>Construction</td>
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<td>¥11,512,000</td>
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<td><strong>Total, Smithsonian Institution</strong></td>
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NATIONAL GALLERY OF ART

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<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Repair, restoration and renovation of buildings</td>
<td>¥407,000</td>
<td>¥407,000</td>
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<td>JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS</td>
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<tr>
<td>Construction</td>
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</tr>
<tr>
<td>WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
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<td>¥1,000,000</td>
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</tr>
<tr>
<td>NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants and administration</td>
<td>¥5,000,000</td>
<td>¥5,000,000</td>
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</table>
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESSIONS ACT, 1995, PUBLIC LAW 104±19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5,000,000</td>
<td>$-5,000,000</td>
<td>$-5,000,000</td>
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<tr>
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<td>$2,184,000</td>
<td>$-2,184,000</td>
<td>$-2,184,000</td>
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<td>$-29,103,000</td>
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<td>$6,800,000</td>
<td>$-250,505,000</td>
<td>$-257,305,000</td>
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<td></td>
<td>$(6,800,000)</td>
<td>$(2,184,000)</td>
<td>$(8,984,000)</td>
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<td>$(248,321,000)</td>
<td>$(248,321,000)</td>
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<td>$-1,349,115,000</td>
<td>$-1,349,115,000</td>
<td>$0</td>
</tr>
<tr>
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<td>$-14,440,000</td>
<td>$-14,440,000</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>$-20,000,000</td>
<td>$-20,000,000</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>$-40,700,000</td>
<td>$-67,700,000</td>
<td>$-27,000,000</td>
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<tr>
<td></td>
<td>$-40,700,000</td>
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<td>$-1,410,555,000</td>
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<td></td>
<td>$-1,100,000</td>
<td>$-700,000</td>
<td>$+400,000</td>
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<tr>
<td></td>
<td>$-41,800,000</td>
<td>$-1,451,955,000</td>
<td>$-1,410,155,000</td>
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<tr>
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<td>$-29,147,000</td>
<td>$-41,350,000</td>
<td>$-12,203,000</td>
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<td></td>
<td>$-1,300,000</td>
<td>$-2,300,000</td>
<td>$-1,000,000</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>104–28</td>
<td>-1,000,000</td>
<td>-10,000,000</td>
<td>-9,000,000</td>
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<tr>
<td>National Center for Research Resources</td>
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<td>-60,000,000</td>
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<tr>
<td>Buildings and facilities</td>
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<tr>
<td>Total, National Institutes of Health</td>
<td>-1,000,000</td>
<td>-70,000,000</td>
<td>-69,000,000</td>
</tr>
</tbody>
</table>

| 104–4          | -20,000,000                       | -19,700,000                   | +300,000   |
| Program management | -330,000,000                   | -330,000,000                   | 0          |
| Job opportunities and basic skills | -319,204,000                   | -319,204,000                   | 0          |
| Low income home energy assistance (advance appropriation, 1996) | -2,000,000                     | -2,000,000                     | 0          |
| State legalization impact-assistance grants | -15,287,000                   | -15,287,000                   | 0          |
| Community services block grant | -15,900,000                    | -15,900,000                   | 0          |
| Children and families services programs (crime trust fund) | -682,391,000                   | -682,391,000                   | 0          |
| Total, Administration for Children and Families | -825,190,000                   | -773,743,000                   | -4,606,000 |

| 104–28        | -1,400,000                        | -1,400,000                    | 0          |
| Office of the Assistant Secretary for Health | -3,132,000                      | -3,132,000                    | 0          |
| Total, Department of Health and Human Services | -51,447,000                    | -825,190,000                   | -773,743,000 |

| 104–4          | -899,000                          | -899,000                      | 0          |
| Aging services programs | -4,018,000                      | -4,018,000                    | 0          |
| Total, Department of Education | -34,030,000                     | -34,030,000                   | 0          |
| Education reform | -4,606,000                      | -4,606,000                    | 0          |
## EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104-19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School improvement programs</td>
<td></td>
<td>−171,840,000</td>
<td>−171,840,000</td>
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<tr>
<td>Crime trust fund</td>
<td></td>
<td>−11,100,000</td>
<td>−11,100,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td>−182,940,000</td>
<td>−182,940,000</td>
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<tr>
<td>Bilingual and immigrant education</td>
<td></td>
<td>−38,500,000</td>
<td>−38,500,000</td>
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<tr>
<td>104–28 Vocational and adult education</td>
<td>−43,888,000</td>
<td>−85,000,000</td>
<td>−46,112,000</td>
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<tr>
<td>104–28 Student financial assistance</td>
<td>−26,903,000</td>
<td>−55,000,000</td>
<td>−28,097,000</td>
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<tr>
<td>104–28 Higher education</td>
<td>−168,000</td>
<td>−432,000</td>
<td>−264,000</td>
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<td>104–28 Howard University</td>
<td>−750,000</td>
<td>−30,925,000</td>
<td>−30,175,000</td>
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<tr>
<td>104–28 Libraries</td>
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<tr>
<td>Total, Department of Education</td>
<td>−84,651,000</td>
<td>−512,312,000</td>
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## RELATED AGENCIES

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<td>Advance appropriation, 1996</td>
<td>−37,000,000</td>
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<tr>
<td>Advance appropriation, 1997</td>
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</tr>
<tr>
<td>Railroad Retirement Board: Dual benefits payments account</td>
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<tr>
<td>Total, Related agencies</td>
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## GENERAL PROVISIONS

<table>
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<tr>
<th>DEPARTMENT OF EDUCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal direct student loan program</td>
</tr>
</tbody>
</table>

| Net total, Chapter VI | −177,898,000 |
| Recissions, fiscal year 1995 | (−177,898,000) |
| Recissions, fiscal year 1996 | (−2,949,457,000) |
| Recissions, fiscal year 1997 | (−2,771,559,000) |
| Recissions, fiscal year 1996 | (−2,538,253,000) |
| Recissions, fiscal year 1997 | (−2,360,355,000) |
| Recissions, fiscal year 1996 | (−356,204,000) |
| Recissions, fiscal year 1997 | (−356,204,000) |
| Recissions, fiscal year 1996 | (−55,000,000) |
| Recissions, fiscal year 1997 | (−55,000,000) |
## CHAPTER VII
### LEGISLATIVE BRANCH
#### HOUSE OF REPRESENTATIVES
**PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Gratuities, deceased Members</td>
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<td>133,600</td>
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### RESCISSIONS
#### JOINT ITEMS

<table>
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<tr>
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<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<tbody>
<tr>
<td>Joint Economic Committee</td>
<td></td>
<td>-460,000</td>
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<tr>
<td>Joint Committee on Printing</td>
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<td>-238,137</td>
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</table>

Total, Joint items                                                          |                                   | -698,137                      | -698,137   |

### OFFICE OF TECHNOLOGY ASSESSMENT

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<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
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### CONGRESSIONAL BUDGET OFFICE

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<tbody>
<tr>
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### ARCHITECT OF THE CAPITOL
#### CAPITOL BUILDINGS AND GROUNDS

<table>
<thead>
<tr>
<th>Description</th>
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<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<tbody>
<tr>
<td>Senate office buildings</td>
<td></td>
<td>-850,000</td>
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<td>Capitol power plant</td>
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<td>-1,650,000</td>
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<tr>
<td>Capitol Complex Security Enhancements (transfer from Botanic Garden)</td>
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<td>(+3,000,000)</td>
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</table>

Total, Capitol Buildings and Grounds                                         |                                   | -2,500,000                    | -2,500,000 |

### GOVERNMENT PRINTING OFFICE

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<tr>
<td>Congressional printing and binding</td>
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### OFFICE OF SUPERINTENDENT OF DOCUMENTS

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<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
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<tbody>
<tr>
<td>Salaries and expenses</td>
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<td>-600,000</td>
<td>-600,000</td>
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</tbody>
</table>

Total, Government Printing Office                                            |                                   | -5,600,000                    | -5,600,000 |
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td></td>
<td>BOTANIC GARDEN</td>
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<td>Salaries and expenses</td>
<td>−4,000,000</td>
<td>−4,000,000</td>
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<td></td>
<td>LIBRARY OF CONGRESS</td>
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<td></td>
<td>Salaries and expenses</td>
<td>−150,000</td>
<td>−150,000</td>
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<tr>
<td></td>
<td>Books for the blind and physically handicapped, salaries and expenses</td>
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<td>−100,000</td>
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<td></td>
<td>Total, Library of Congress</td>
<td>−250,000</td>
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<td>GENERAL ACCOUNTING OFFICE</td>
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<tr>
<td></td>
<td>Salaries and expenses</td>
<td>−2,617,000</td>
<td>−2,617,000</td>
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<tr>
<td></td>
<td>Net total, Chapter VII</td>
<td>−16,368,537</td>
<td>−16,368,537</td>
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<tr>
<td></td>
<td>Appropriations</td>
<td>(133,600)</td>
<td>(+ 133,600)</td>
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<tr>
<td></td>
<td>Rescissions</td>
<td>(−16,502,137)</td>
<td>(+ 16,502,137)</td>
</tr>
<tr>
<td></td>
<td>(By transfer)</td>
<td>(3,000,000)</td>
<td>(+ 3,000,000)</td>
</tr>
<tr>
<td></td>
<td>MILITARY CONSTRUCTION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104–4</td>
<td>Military Construction, Navy: Emergency appropriation</td>
<td>18,000,000</td>
<td>−18,000,000</td>
</tr>
<tr>
<td></td>
<td>CHAPTER VIII</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RESCISSIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DEPARTMENT OF TRANSPORTATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office of the Secretary</td>
<td>−7,680,000</td>
<td>−11,300,000</td>
</tr>
<tr>
<td></td>
<td>Working capital fund</td>
<td>−6,000,000</td>
<td>−6,000,000</td>
</tr>
<tr>
<td></td>
<td>Payments to air carriers (Airport and Airway Trust Fund)</td>
<td>−5,300,000</td>
<td>+ 2,380,000</td>
</tr>
<tr>
<td></td>
<td>Total, Office of the Secretary</td>
<td>−7,680,000</td>
<td>−11,300,000</td>
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<tr>
<td></td>
<td>COAST GUARD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104–4</td>
<td>Operating expenses (emergency)</td>
<td>−28,297,000</td>
<td>−28,297,000</td>
</tr>
<tr>
<td></td>
<td>Operating expenses</td>
<td>−4,300,000</td>
<td>−4,300,000</td>
</tr>
<tr>
<td></td>
<td>Acquisition, construction, and improvements:</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Hurricane Andrew/Iniki supplemental (emergency)</td>
<td>−4,400,000</td>
<td>−4,400,000</td>
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<tr>
<td></td>
<td>Vessels</td>
<td>−12,133,000</td>
<td>−12,133,000</td>
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</table>
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>604–59</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shore facilities and aids to navigation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental compliance and restoration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net total, Coast Guard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEDERAL AVIATION ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities and equipment (Airport and Airway Trust Fund)</td>
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<td></td>
<td></td>
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<tr>
<td>Research, engineering, and development (Airport and Airway Trust Fund)</td>
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<td></td>
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<tr>
<td>Grants-in-Aid for airports (Airport and Airway Trust Fund)</td>
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<tr>
<td>Total, Federal Aviation Administration</td>
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<td></td>
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<tr>
<td>FEDERAL HIGHWAY ADMINISTRATION</td>
<td></td>
<td></td>
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<tr>
<td>Limitation on general operating expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal-Aid highways (Highway Trust Fund):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation on obligations)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rescission</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>104–81</td>
<td></td>
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<td></td>
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<tr>
<td>Bonus obligations)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency relief program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous highway trust funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous appropriations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Federal Highway Administration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEDERAL RAILROAD ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the administrator (by transfer)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeast corridor improvement program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Magnetic Levitation prototype development (Highway trust Fund)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Federal Railroad Administration</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Federal Transit Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Estimates, Fiscal Year 1995</th>
<th>Appropriated, Fiscal Year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit planning and research</td>
<td>0</td>
<td>-7,000,000</td>
<td>-7,000,000</td>
</tr>
<tr>
<td>Discretionary grants:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation on obligations) (Highway Trust Fund)</td>
<td></td>
<td>(33,911,500)</td>
<td>(33,911,500)</td>
</tr>
<tr>
<td>Rescission</td>
<td></td>
<td>-33,911,500</td>
<td>-33,911,500</td>
</tr>
<tr>
<td>Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)</td>
<td></td>
<td>(350,000,000)</td>
<td>(350,000,000)</td>
</tr>
<tr>
<td>Total, Federal Transit Administration</td>
<td></td>
<td>-40,911,500</td>
<td>-40,911,500</td>
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</tbody>
</table>

### General Provisions

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Estimates, Fiscal Year 1995</th>
<th>Appropriated, Fiscal Year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses (sec. 802)</td>
<td>0</td>
<td>-15,000,000</td>
<td>-15,000,000</td>
</tr>
<tr>
<td>Net total, Chapter VIII</td>
<td>-473,383,000</td>
<td>-2,272,572,500</td>
<td>-2,229,189,500</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(28,297,000)</td>
<td>(28,297,000)</td>
<td></td>
</tr>
<tr>
<td>Rescissions</td>
<td>(501,680,000)</td>
<td>(2,272,572,500)</td>
<td>(2,220,892,500)</td>
</tr>
<tr>
<td>(Limitations on obligations)</td>
<td>(208,000,000)</td>
<td>(166,101,500)</td>
<td>(41,898,500)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(611,950)</td>
<td>(611,950)</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter IX

**Independent Agencies**

**Office of Personnel Management**

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Estimates, Fiscal Year 1995</th>
<th>Appropriated, Fiscal Year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government payment for annuitants, employee life insurance benefits</td>
<td>9,000,000</td>
<td>9,000,000</td>
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</tr>
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</table>

### Rescissions

**Department of the Treasury**

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Estimates, Fiscal Year 1995</th>
<th>Appropriated, Fiscal Year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental offices</td>
<td></td>
<td>-100,000</td>
<td>-100,000</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center:</td>
<td></td>
<td>-100,000</td>
<td>+100,000</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td></td>
<td>11,000,000</td>
<td>+11,000,000</td>
</tr>
<tr>
<td>Acquisition, construction, improvements, and related expenses</td>
<td></td>
<td>-11,000,000</td>
<td>-11,000,000</td>
</tr>
<tr>
<td>Financial Management Service</td>
<td></td>
<td>-160,000</td>
<td>-160,000</td>
</tr>
<tr>
<td>Bureau of the Public Debt</td>
<td></td>
<td>-1,500,000</td>
<td>-1,500,000</td>
</tr>
<tr>
<td>Internal Revenue Service: Information systems</td>
<td></td>
<td>-1,490,000</td>
<td>-1,490,000</td>
</tr>
<tr>
<td>Net total, Department of the Treasury</td>
<td></td>
<td>-3,250,000</td>
<td>-3,250,000</td>
</tr>
</tbody>
</table>
## Executive Office of the President and Funds Appropriated to the President

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>The White House Office</td>
<td></td>
<td>−171,000</td>
<td>−171,000</td>
</tr>
<tr>
<td>Federal Drug Control Programs: Special Forfeiture Fund (transfer to United States Customs Service)</td>
<td></td>
<td>13,200,000</td>
<td>+13,200,000</td>
</tr>
<tr>
<td>Rescission</td>
<td></td>
<td>−13,200,000</td>
<td>−13,200,000</td>
</tr>
<tr>
<td><strong>Total, Executive Office of the President and Funds Appropriated to the President</strong></td>
<td></td>
<td>−171,000</td>
<td>−171,000</td>
</tr>
</tbody>
</table>

## Independent Agencies

### General Services Administration:

- Federal Buildings Fund: Limitations on the availability of revenue
- Federal Election Commission
- Office of Personnel Management

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Buildings Fund: Limitations on the availability of revenue</td>
<td>−631,412,000</td>
<td>−631,412,000</td>
<td></td>
</tr>
<tr>
<td>Federal Election Commission</td>
<td>−1,396,000</td>
<td>−1,396,000</td>
<td></td>
</tr>
<tr>
<td>Office of Personnel Management</td>
<td>−3,140,000</td>
<td>−3,140,000</td>
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</tr>
<tr>
<td><strong>Net total, Chapter IX</strong></td>
<td>9,000,000</td>
<td>−630,369,000</td>
<td>−639,369,000</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(9,000,000)</td>
<td>−33,200,000</td>
<td>(+24,200,000)</td>
</tr>
<tr>
<td>Rescissions</td>
<td>(−663,569,000)</td>
<td>(−663,569,000)</td>
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</tbody>
</table>

### Chapter X

#### Independent Agencies

### Federal Emergency Management Agency

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster relief (emergency)</td>
<td>6,700,000,000</td>
<td>3,275,000,000</td>
<td>−3,425,000,000</td>
</tr>
<tr>
<td>Advance appropriation, fiscal year 1996 (emergency)</td>
<td></td>
<td>5,275,000,000</td>
<td>+3,275,000,000</td>
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<tr>
<td>National flood insurance fund (by transfer)</td>
<td>(5,331,000)</td>
<td>(5,331,000)</td>
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</tr>
<tr>
<td><strong>Total, Federal Emergency Management Agency</strong></td>
<td>6,700,000,000</td>
<td>6,550,000,000</td>
<td>−150,000,000</td>
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### Department of Veterans Affairs

#### Veterans Health Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical care</td>
<td>−50,000,000</td>
<td>−50,000,000</td>
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</table>

#### Departmental Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction, major projects</td>
<td>−31,000,000</td>
<td>−31,000,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Department of Veterans Affairs</strong></td>
<td>−81,000,000</td>
<td>−81,000,000</td>
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</table>
### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### HOUSING PROGRAMS

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>National homeownership trust demonstration program</td>
<td>50,000,000</td>
<td>50,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Annual contributions for assisted housing</td>
<td>439,200,000</td>
<td>5,131,400,000</td>
<td>4,692,200,000</td>
</tr>
<tr>
<td>(Deferral)</td>
<td>(405,900,000)</td>
<td>( + 405,900,000)</td>
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<tr>
<td>Assistance for the renewal of expiring section 8 subsidy contracts</td>
<td>1,177,000,000</td>
<td>1,177,000,000</td>
<td>0</td>
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<tr>
<td>Congregate services</td>
<td>37,000,000</td>
<td>37,000,000</td>
<td>0</td>
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<tr>
<td>Youthbuild program</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Housing counseling assistance</td>
<td>38,000,000</td>
<td>38,000,000</td>
<td>0</td>
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<tr>
<td>Flexible subsidy fund</td>
<td>8,000,000</td>
<td>8,000,000</td>
<td>0</td>
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<tr>
<td>Nehemiah housing opportunities fund</td>
<td>10,500,000</td>
<td>10,500,000</td>
<td>0</td>
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</table>

**Total, Housing Programs** | 476,200,000 | 6,461,900,000 | 5,985,700,000

#### HOMELESS ASSISTANCE

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<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless Assistance grants (deferral)</td>
<td>(297,000,000)</td>
<td>( + 297,000,000)</td>
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</table>

**Total, Department of Housing and Urban Development** | 476,200,000 | 6,461,900,000 | 5,985,700,000

### DEPARTMENT OF THE TREASURY

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>50,000,000</td>
<td>50,000,000</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total** | 50,000,000 | 50,000,000 | 0

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>National and community service programs operating expenses</td>
<td>105,000,000</td>
<td>105,000,000</td>
<td>0</td>
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</tbody>
</table>

**Total** | 105,000,000 | 105,000,000 | 0

#### ENVIRONMENTAL PROTECTION AGENCY

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1995</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and development</td>
<td>3,635,000</td>
<td>14,635,000</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Abatement, control, and compliance</td>
<td>8,806,805</td>
<td>9,806,805</td>
<td>500,000</td>
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<tr>
<td>Buildings and facilities</td>
<td>83,000,000</td>
<td>83,000,000</td>
<td>0</td>
</tr>
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</table>

**Total** | 12,075,440 | 34,248,610 | 22,173,170
### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RECSISIONS ACT, 1995

PUBLIC LAW 104–19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous substance superfund</td>
<td>100,000,000</td>
<td>-100,000,000</td>
<td>-100,000,000</td>
</tr>
<tr>
<td>Water infrastructure/State revolving fund</td>
<td>3,200,000</td>
<td>-1,077,200,000</td>
<td>-1,074,000,000</td>
</tr>
<tr>
<td><strong>Total, Environmental Protection Agency</strong></td>
<td>11,641,805</td>
<td>-1,284,641,805</td>
<td>-1,273,000,000</td>
</tr>
<tr>
<td>Science, aeronautics and technology</td>
<td>95,000,000</td>
<td>-95,000,000</td>
<td>-95,000,000</td>
</tr>
<tr>
<td>Construction of facilities</td>
<td>-27,000,000</td>
<td>-34,000,000</td>
<td>-7,000,000</td>
</tr>
<tr>
<td>Mission support</td>
<td>-1,000,000</td>
<td>-32,000,000</td>
<td>-31,000,000</td>
</tr>
<tr>
<td>Space flight, control and data communications</td>
<td>-10,000,000</td>
<td>-45,000,000</td>
<td>-33,000,000</td>
</tr>
<tr>
<td><strong>Total, National Aeronautics and Space Administration</strong></td>
<td>38,000,000</td>
<td>-204,000,000</td>
<td>-166,000,000</td>
</tr>
<tr>
<td>Academic research infrastructure</td>
<td>131,867,000</td>
<td>-131,867,000</td>
<td>-1,000,000</td>
</tr>
<tr>
<td><strong>Net total, Independent agencies</strong></td>
<td>182,008,805</td>
<td>-1,850,008,805</td>
<td>-1,668,000,000</td>
</tr>
<tr>
<td>Federal Deposit Insurance Corporation: FDIC affordable housing program</td>
<td>6,041,791,195</td>
<td>-1,804,189,839</td>
<td>-7,845,981,034</td>
</tr>
<tr>
<td><strong>Net total, Title I</strong></td>
<td>6,316,345,195</td>
<td>-15,186,055,071</td>
<td></td>
</tr>
</tbody>
</table>

| Appropriations, fiscal year 1996 | (7,852,969,000) | (3,652,521,600) | (4,200,447,400) |
| Appropriations, fiscal year 1996 | (2,627,000,000) | (1,327,000,000) | (1,300,000,000) |
| Rescissions, fiscal year 1996 | 1,536,623,805 | -15,386,027,476 | -13,849,403,671 |
| Rescissions, fiscal year 1997 | -356,204,000 | -356,204,000 | -55,000,000 |
| **Total, Title I** | 24,500,000 | 24,500,000 | 24,500,000 |

| Increases in limitations on obligations | (24,500,000) | (24,500,000) | |
| Reductions in limitations on obligations | (208,000,000) | (166,101,500) | (41,898,500) |
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(By transfer)</td>
<td>(7,442,950)</td>
<td>(12,160,950)</td>
</tr>
<tr>
<td></td>
<td>(Deferrals)</td>
<td>(702,900,000)</td>
<td>(+702,900,000)</td>
</tr>
</tbody>
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**TITLE II—GENERAL PROVISIONS**

Emergency salvage timber sale program (Forest Service):

- Salvage costs/payments .......................................................... 3,831,000 + 3,831,000
- Receipts .................................................................................. −35,000,000 −35,000,000
- Federal administration and travel expenses (sec. 2007) .................. −375,000,000 −375,000,000

Net total, Title II .................................................................... −406,169,000 −406,169,000

**TITLE III**

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

ANTI-TERRORISM INITIATIVES

OKLAHOMA CITY RECOVERY

CHAPTER I

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

104–62 Justice assistance .......................................................... 4,000,000 −4,000,000

GENERAL ADMINISTRATION

104–62 Counterterrorism fund ...................................................... 8,700,000 34,220,000 +25,520,000

LEGAL ACTIVITIES

104–62 Salaries and expenses, United States Attorneys ................. 4,034,000 2,000,000 −2,034,000
104–62 Salaries and expenses, United States Marshals Service ........ 2,521,000 ........................ −2,521,000

Total, Legal activities ............................................................... 6,555,000 2,000,000 −4,555,000

FEDERAL BUREAU OF INVESTIGATION

104–62 Salaries and expenses ........................................................ 49,200,000 77,140,000 +27,940,000
### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104-19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>104±62</td>
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<tr>
<td><strong>DRUG ENFORCEMENT ADMINISTRATION</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>-3,000,000</td>
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<tr>
<td><strong>Total, Department of Justice</strong></td>
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<td>113,360,000</td>
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<tr>
<td>Court security</td>
<td>10,400,000</td>
<td>16,640,000</td>
<td>6,240,000</td>
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<tr>
<td><strong>Total, Chapter I</strong></td>
<td>81,855,000</td>
<td>130,000,000</td>
<td>+48,145,000</td>
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<td><strong>CHAPTER II</strong></td>
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<td><strong>DEPARTMENT OF THE TREASURY</strong></td>
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<tr>
<td>Departmental offices</td>
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<td>-300,000</td>
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<tr>
<td>Financial Crimes Enforcement Network</td>
<td>300,000</td>
<td>-300,000</td>
<td></td>
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<tr>
<td>Bureau of Alcohol, Tobacco and Firearms</td>
<td>16,207,000</td>
<td>34,823,000</td>
<td>+18,616,000</td>
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<td>Federal Law Enforcement Training Center</td>
<td>1,100,000</td>
<td>1,100,000</td>
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<td>Internal Revenue Service: Administration and management</td>
<td>3,875,000</td>
<td>6,675,000</td>
<td>+2,800,000</td>
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<tr>
<td>United States Customs Service: Salaries and expenses</td>
<td>1,200,000</td>
<td>1,000,000</td>
<td>-200,000</td>
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<tr>
<td><strong>Total, Department of the Treasury</strong></td>
<td>23,982,000</td>
<td>43,598,000</td>
<td>+19,616,000</td>
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<td><strong>INDEPENDENT AGENCY</strong></td>
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<tr>
<td>General Services Administration: Federal Buildings Fund: Limitations on availability of revenue:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Construction and acquisition of facilities</td>
<td>(2,300,000)</td>
<td>(2,300,000)</td>
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<tr>
<td>Repairs and alterations</td>
<td>(3,300,000)</td>
<td>(3,300,000)</td>
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<tr>
<td>Rental of space</td>
<td>(8,300,000)</td>
<td>(8,300,000)</td>
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<tr>
<td>Real property operations</td>
<td>(12,500,000)</td>
<td>(12,500,000)</td>
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<tr>
<td><strong>Total, limitations</strong></td>
<td>(26,400,000)</td>
<td>(66,800,000)</td>
<td>+40,400,000</td>
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</table>
### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

| House Doc. No. | | | | |
|---|---|---|---|
| | Budget estimates, fiscal year 1995 | Appropriated, fiscal year 1995 | Difference |
| | Total, Chapter II | | + 19,616,000 |
| | CHAPTER III | | |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | |
| 104–62 Management and Administration: Salaries and expenses | 3,200,000 | 3,200,000 | 0 |
| 104–62 Community Planning and Development: Community development grants | 39,000,000 | 39,000,000 | 0 |
| INDEPENDENT AGENCIES | | |
| FEDERAL EMERGENCY MANAGEMENT AGENCY | | |
| 104–62 Salaries and expenses | 3,523,000 | 3,523,000 | 0 |
| 104–62 Emergency management planning and assistance | 3,477,000 | 3,477,000 | 0 |
| | Total, Federal Emergency Management Agency | 7,000,000 | 7,000,000 | 0 |
| | Total, Chapter III | 10,200,000 | 49,200,000 | + 39,000,000 |
| | Total, Title III: Appropriations | 116,037,000 | 222,798,000 | + 106,761,000 |
| | (Limitations on availability of revenue) | (26,400,000) | (66,800,000) | (40,400,000) |
| | Total budgetary resources available | (142,437,000) | (289,598,000) | (147,161,000) |
| | | | |
| Net grand total | 6,432,382,195 | -9,053,080,876 | -15,485,463,071 |
| | Fiscal year 1995: Appropriations | 7,969,006,000 | 3,844,150,600 | -4,124,855,400 |
| | Rescissions | -1,536,623,805 | -15,761,027,476 | -14,224,403,671 |
| | Net total | 6,432,382,195 | -11,916,876,876 | -18,349,259,071 |
| | Fiscal year 1996: Appropriations | 3,275,000,000 | +3,275,000,000 |
| | Rescissions | -356,204,000 | -356,204,000 |
| | Net total | 2,918,796,000 | +2,918,796,000 |
## EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995, PUBLIC LAW 104–19—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>−55,000,000</td>
<td>−55,000,000</td>
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<tr>
<td>Fiscal year 1997 (rescission)</td>
<td></td>
<td>−55,000,000</td>
<td>−55,000,000</td>
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<tr>
<td>(Increases in limitations on obligations)</td>
<td>(50,900,000)</td>
<td>(91,300,000)</td>
<td>(+40,400,000)</td>
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<tr>
<td>(Reductions in limitations on obligations)</td>
<td>(−208,000,000)</td>
<td>(−166,101,500)</td>
<td>(+41,898,500)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(7,442,950)</td>
<td>(12,160,950)</td>
<td>(+4,718,000)</td>
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<tr>
<td>(Deferrals)</td>
<td></td>
<td>(702,900,000)</td>
<td>(+702,900,000)</td>
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</table>
### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

**APPROPRIATIONS, 1996, PUBLIC LAW 104-37**

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Titles</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−) Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
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<tr>
<td><strong>TITLE I</strong></td>
<td></td>
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<tr>
<td><strong>AGRICULTURAL PROGRAMS</strong></td>
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</tr>
<tr>
<td>PRODUCTION, PROCESSING, AND MARKETING</td>
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<tr>
<td>Office of the Secretary</td>
<td>2,770,000</td>
<td>2,886,000</td>
<td>10,227,000</td>
<td>+ 7,457,000</td>
<td>+ 7,341,000</td>
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<tr>
<td>Executive Operations:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Economist</td>
<td></td>
<td>4,240,000</td>
<td>3,948,000</td>
<td>+ 3,948,000</td>
<td>−292,000</td>
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<tr>
<td>Office of the Assistant Secretary for Economics</td>
<td>540,000</td>
<td>540,000</td>
<td>−540,000</td>
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</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>2,498,000</td>
<td>2,498,000</td>
<td>−2,498,000</td>
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<tr>
<td>National Appeals Division</td>
<td>12,166,000</td>
<td>11,846,000</td>
<td>+ 11,846,000</td>
<td>−320,000</td>
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<tr>
<td>Office of Budget and Program Analysis</td>
<td>5,795,000</td>
<td>5,899,000</td>
<td>5,899,000</td>
<td>+ 104,000</td>
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<tr>
<td>Office of Small and Disadvantaged Business Utilization</td>
<td>724,000</td>
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<td></td>
<td>−724,000</td>
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<tr>
<td>Total, Executive Operations</td>
<td>8,833,000</td>
<td>23,029,000</td>
<td>21,693,000</td>
<td>+12,860,000</td>
<td>−1,336,000</td>
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<tr>
<td>Chief Financial Officer</td>
<td>580,000</td>
<td>4,952,000</td>
<td>4,133,000</td>
<td>+3,553,000</td>
<td>−819,000</td>
</tr>
<tr>
<td>Office of the Assistant Secretary for Administration</td>
<td>596,000</td>
<td>616,000</td>
<td>596,000</td>
<td></td>
<td>−20,000</td>
</tr>
<tr>
<td>Agriculture buildings and facilities and rental payments</td>
<td>135,193,000</td>
<td>135,774,000</td>
<td>135,774,000</td>
<td>+581,000</td>
<td></td>
</tr>
<tr>
<td>Payments to GSA</td>
<td>(87,957,000)</td>
<td>(89,971,000)</td>
<td>(89,971,000)</td>
<td>(87,204,000)</td>
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</tr>
<tr>
<td>Building operations and maintenance</td>
<td>(18,614,000)</td>
<td>(20,216,000)</td>
<td>(20,216,000)</td>
<td>(18,602,000)</td>
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<tr>
<td>Repairs, renovations, and construction</td>
<td>(28,622,000)</td>
<td>(25,587,000)</td>
<td>(25,587,000)</td>
<td>(3,035,000)</td>
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<tr>
<td>Advisory committees (USDA)</td>
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<td>885,000</td>
<td>650,000</td>
<td>−278,000</td>
<td>−235,000</td>
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<tr>
<td>Hazardous waste management</td>
<td>15,700,000</td>
<td>15,700,000</td>
<td>15,700,000</td>
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<tr>
<td>Departmental administration</td>
<td>26,187,000</td>
<td>87,347,000</td>
<td>27,986,000</td>
<td>+1,799,000</td>
<td>−59,361,000</td>
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<td>Office of the Assistant Secretary for Congressional Relations</td>
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<td>1,838,000</td>
<td>3,797,000</td>
<td>+2,033,000</td>
<td>+1,959,000</td>
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<tr>
<td>Office of Communications</td>
<td>8,198,000</td>
<td>8,890,000</td>
<td>8,198,000</td>
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<td>−692,000</td>
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<td>Office of the General Counsel</td>
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<td>63,639,000</td>
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<td>−1,100,000</td>
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<tr>
<td>Office of the General Counsel</td>
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<td>27,860,000</td>
<td>27,860,000</td>
<td>+1,868,000</td>
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<td>Office of the Under Secretary for Research, Education and Economics</td>
<td>520,000</td>
<td>535,000</td>
<td>520,000</td>
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<td>−15,000</td>
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<tr>
<td>Economic Research Service</td>
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<td>54,665,000</td>
<td>53,131,000</td>
<td>−805,000</td>
<td>−1,534,000</td>
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<td>National Agricultural Statistics Service</td>
<td>81,424,000</td>
<td>89,837,000</td>
<td>81,107,000</td>
<td>−317,000</td>
<td>−8,730,000</td>
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<tr>
<td>Agricultural Research Service</td>
<td>714,689,000</td>
<td>709,810,000</td>
<td>710,000,000</td>
<td>−4,689,000</td>
<td>+190,000</td>
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<td>Human Nutrition Information Service</td>
<td>(10,618,000)</td>
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### Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, 1996, Public Law 104-37—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Category</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
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<td>Buildings and facilities</td>
<td>42,318,000</td>
<td>30,200,000</td>
<td>30,200,000</td>
<td>−12,118,000</td>
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<tr>
<td>Total, Agricultural Research Service</td>
<td>757,007,000</td>
<td>740,010,000</td>
<td>740,200,000</td>
<td>−16,807,000</td>
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<td>Cooperative State Research, Education, and Extension Service:</td>
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<tr>
<td>Research and education activities</td>
<td>432,387,000</td>
<td>432,212,000</td>
<td>421,929,000</td>
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<td>Native Americans Institutions Endowment Fund 1</td>
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<td>Buildings and facilities</td>
<td>60,560,000</td>
<td>37,552,000</td>
<td>57,838,000</td>
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<td>Extension Activities</td>
<td>438,744,000</td>
<td>427,750,000</td>
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<td>−10,994,000</td>
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<td>Total, Cooperative State Research, Education, and Extension Service</td>
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<td>869,764,000</td>
<td>907,517,000</td>
<td>−24,174,000</td>
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<td>Office of the Assistant Secretary for Marketing and Regulatory Programs</td>
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<tr>
<td>Animal and Plant Health Inspection Service:</td>
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<tr>
<td>Salaries and expenses</td>
<td>346,991,000</td>
<td>330,025,000</td>
<td>331,667,000</td>
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<td>Special fund, user fees 2</td>
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<td>100,254,000</td>
<td>100,254,000</td>
<td>+5,594,000</td>
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<tr>
<td>Subtotal</td>
<td>443,651,000</td>
<td>430,279,000</td>
<td>431,921,000</td>
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<td>Buildings and facilities</td>
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<td>12,541,000</td>
<td>8,757,000</td>
<td>+3,784,000</td>
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<tr>
<td>Total, Animal and Plant Health Inspection Service</td>
<td>448,624,000</td>
<td>442,820,000</td>
<td>440,678,000</td>
<td>−7,946,000</td>
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<td>Agricultural Marketing Service:</td>
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<td></td>
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<tr>
<td>Marketing Services</td>
<td>56,591,000</td>
<td>50,607,000</td>
<td>46,517,000</td>
<td>−10,074,000</td>
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<tr>
<td>New user fees 2</td>
<td>(4,452,000)</td>
<td>(3,887,000)</td>
<td>(3,887,000)</td>
<td>(−565,000)</td>
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<tr>
<td>(Limitation on administrative expenses, from fees collected)</td>
<td>(57,054,000)</td>
<td>(58,461,000)</td>
<td>(58,461,000)</td>
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<tr>
<td>Funds for strengthening markets, income, and supply (transfer from section 32)</td>
<td>10,309,000</td>
<td>10,451,000</td>
<td>10,451,000</td>
<td>+142,000</td>
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<tr>
<td>Payments to States and possessions</td>
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<td>1,200,000</td>
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<td>Total, Agricultural Marketing Service</td>
<td>68,100,000</td>
<td>62,258,000</td>
<td>58,168,000</td>
<td>−9,932,000</td>
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<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>23,314,000</td>
<td>23,679,000</td>
<td>23,058,000</td>
<td>−1,221,000</td>
</tr>
<tr>
<td>Inspection and Weighing Services (limitation on administrative expenses, from fees collected)</td>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>--------------------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Office of the Under Secretary for Food Safety</td>
<td>(42,784,000)</td>
<td>(42,784,000)</td>
<td>(42,784,000)</td>
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<tr>
<td>Food Safety and Inspection Service</td>
<td>525,820,000</td>
<td>594,889,000</td>
<td>544,906,000</td>
<td>+19,086,000</td>
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<td>Lab accreditation fees</td>
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<td>(1,000,000)</td>
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<tr>
<td>Total, Production, Processing, and Marketing</td>
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<td>3,254,178,000</td>
<td>3,170,583,000</td>
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<th>FARM ASSISTANCE PROGRAMS</th>
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<tr>
<td>Office of the Under Secretary for Farm and Foreign Agricultural Services</td>
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<tr>
<td>Consolidated Farm Service Agency:</td>
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<tr>
<td>Salaries and expenses</td>
</tr>
<tr>
<td>Agricultural Stabilization and Conservation Service: Salaries and expenses</td>
</tr>
<tr>
<td>(Transfer from export loans)</td>
</tr>
<tr>
<td>(Transfer from Public Law 480)</td>
</tr>
<tr>
<td>(Transfer from ACIF)</td>
</tr>
<tr>
<td>Total, salaries and expenses</td>
</tr>
<tr>
<td>State mediation grants</td>
</tr>
<tr>
<td>Dairy indemnity program</td>
</tr>
<tr>
<td>Outreach for socially disadvantaged farmers</td>
</tr>
<tr>
<td>Total, Consolidated Farm Service Agency</td>
</tr>
</tbody>
</table>

| Agricultural Credit Insurance Fund Program Account: |
| Loan authorizations: |
| Farm ownership loans: |
| Direct | (78,081,000) | (70,000,000) | (60,000,000) | (−18,081,000) | (−10,000,000) | |
| Guaranteed | (540,674,000) | (540,687,000) | (550,000,000) | (+9,326,000) | (+9,313,000) | |
| Subtotal | (618,755,000) | (610,687,000) | (610,000,000) | (−8,755,000) | (−687,000) | |
### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

<table>
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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td></td>
<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
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<td>Operating loans:</td>
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<tr>
<td>Direct</td>
<td>(500,000,000)</td>
<td>(520,000,000)</td>
<td>(550,000,000)</td>
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<tr>
<td>Guaranteed unsubsidized</td>
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<td>(1,700,000,000)</td>
<td>(1,700,000,000)</td>
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<tr>
<td>Guaranteed subsidized</td>
<td>(230,000,000)</td>
<td>(200,000,000)</td>
<td>(200,000,000)</td>
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<tr>
<td>Subtotal</td>
<td>(2,465,000,000)</td>
<td>(2,440,800,000)</td>
<td>(2,450,000,000)</td>
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</tbody>
</table>

| Soil and water loans:  |                                   |                               |                               |
| Direct                 | (289,000,000)                     | (289,000,000)                 | (289,000,000)                 |
| Guaranteed             | (1,422,000,000)                   | (1,422,000,000)               | (1,422,000,000)               |
| Subtotal               | (4,320,000,000)                   | (4,320,000,000)               | (4,320,000,000)               |

| Indian tribe land acquisition loans |                                  |                               |                               |
| Direct                            | (10,000,000)                     | (10,000,000)                  | (10,000,000)                  |
| Guaranteed                        | (750,000)                        | (750,000)                     | (750,000)                     |
| Subtotal                          | (17,550,000)                     | (17,550,000)                  | (17,550,000)                  |

| Total, Loan authorizations       | (3,184,755,000)                  | (3,203,867,000)               | (3,160,750,000)               |

| Loan subsidies:                  |                                   |                               |                               |
| Farm ownership:                  |                                   |                               |                               |
| Direct                            | 10,983,000                        | 16,373,000                    | 14,034,000                     |
| Guaranteed                        | 20,870,000                        | 19,681,000                    | 20,019,000                     |
| Subtotal                          | 31,853,000                        | 36,054,000                    | 34,053,000                     |

| Farm operating:                  |                                   |                               |                               |
| Direct                            | 56,555,000                        | 74,209,000                    | 75,185,000                     |
| Guaranteed unsubsidized           | 9,360,000                         | 18,360,000                    | 18,360,000                     |
| Guaranteed subsidized             | 29,425,000                        | 17,960,000                    | 17,960,000                     |
| Subtotal                          | 95,340,000                        | 110,529,000                   | 111,505,000                    |

<p>| Credit sales of acquired property |                                   |                               |                               |
| Direct                            | 608,000                           | 608,000                       | 608,000                        |
| Guaranteed                        | 30,000                            | 30,000                        | 30,000                         |
| Subtotal                          | 638,000                           | 638,000                       | 638,000                        |</p>
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<tr>
<th>Activity</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
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<tr>
<td>Indian tribe land acquisition</td>
<td>123,000</td>
<td>274,000</td>
<td>206,000</td>
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<td>Emergency disaster</td>
<td>26,290,000</td>
<td>32,080,000</td>
<td>32,080,000</td>
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<tr>
<td>Credit sales of acquired property</td>
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<td>−296,000</td>
<td>−782,000</td>
<td>−296,000</td>
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<td>Total, Loan subsidies</td>
<td>152,824,000</td>
<td>187,505,000</td>
<td>177,844,000</td>
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<td>ACIF expenses:</td>
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<td>Salaries and expenses</td>
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<td>214,652,000</td>
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<td>12,606,000</td>
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<td>227,258,000</td>
<td>221,541,000</td>
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<td>Total, Agricultural Credit Insurance Fund</td>
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<td>414,763,000</td>
<td>399,385,000</td>
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<td>(Direct loan authorization)</td>
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<td>(761,758,000)</td>
<td>(710,750,000)</td>
<td>(+31,669,000)</td>
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<tr>
<td>(Guaranteed loan authorization)</td>
<td>(2,505,674,000)</td>
<td>(2,442,109,000)</td>
<td>(2,450,000,000)</td>
<td>(−55,674,000)</td>
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<td>Total, Farm Assistance Programs</td>
<td>1,193,351,000</td>
<td>1,233,204,000</td>
<td>1,198,034,000</td>
<td>+4,683,000</td>
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<td>Federal Crop Insurance Corporation:</td>
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<tr>
<td>Federal crop insurance corporation fund</td>
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<td>1,263,708,000</td>
<td>1,263,708,000</td>
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<td>Commodity Credit Corporation:</td>
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<td></td>
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<td>Reimbursement for net realized losses 4</td>
<td>15,500,000,000</td>
<td>10,400,000,000</td>
<td>10,400,000,000</td>
<td>−5,100,000,000</td>
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<tr>
<td>Operations and maintenance for hazardous waste management (limitation on administrative expenses)</td>
<td>(5,000,000)</td>
<td>(5,000,000)</td>
<td>(5,000,000)</td>
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<tr>
<td>Borrowing authority (emergency)</td>
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<td></td>
<td>−1,000,000,000</td>
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<td>Total, Corporations</td>
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<td>11,663,708,000</td>
<td>11,663,708,000</td>
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<td>Total, title I, Agricultural Programs</td>
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<tr>
<td>(By transfer)</td>
<td>21,093,658,000</td>
<td>16,151,090,000</td>
<td>16,032,325,000</td>
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<td>(Limitation on administrative expenses)</td>
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<tr>
<td>(Direct loan authorization)</td>
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<td>(106,245,000)</td>
<td>(106,245,000)</td>
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### Title II

#### Conservation Programs

<table>
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<tr>
<th>Natural Resource Conservation Service:</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td>(2,505,674,000)</td>
<td>(2,442,109,000)</td>
<td>(2,450,000,000)</td>
<td>(− 55,674,000)</td>
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#### Office of the Under Secretary for Natural Resources and Environment

<table>
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<tr>
<th></th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td>Conservation operations</td>
<td>677,000</td>
<td>696,000</td>
<td>− 19,000</td>
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</table>

#### Consolidated Farm Service Agency:

| Agricultural conservation program                               | 100,000,000              | 75,000,000                      | − 25,000,000                |
| Water quality incentives program                                | (15,000,000)             | (11,000,000)                    | (− 4,000,000)               |
| Emergency conservation program                                  | 3,000,000                |                                  | − 3,000,000                 |
| Conservation reserve program                                    | 1,743,274,000            | 1,781,785,000                   | + 38,511,000                |

#### Total, Consolidated Farm Service Agency

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>(1,843,274,000)</td>
<td>(1,856,785,000)</td>
<td>+ 13,511,000</td>
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#### Total, Title II, Conservation Programs

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<tr>
<td>(2,645,871,000)</td>
<td>(2,716,454,000)</td>
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### Title III
#### Rural Economic and Community Development Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
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<tr>
<td>Office of the Under Secretary for Rural Economic and Community Development</td>
<td>568,000</td>
<td>586,000</td>
<td>568,000</td>
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#### Rural Housing and Community Development Service

**RHCDS expenses:**

<table>
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<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td>Administrative expenses</td>
<td>53,650,000</td>
<td>46,583,000</td>
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<td>(Transfer from RHIF)</td>
<td>(389,818,000)</td>
<td>(382,074,000)</td>
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<tr>
<td>(Transfer from ACIF)</td>
<td>(171,000)</td>
<td>(171,000)</td>
<td>(+171,000)</td>
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<tr>
<td>(Transfer from CFLP)</td>
<td>(11,144,000)</td>
<td>(8,731,000)</td>
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<td>Total, RHCDS expenses</td>
<td>(389,818,000)</td>
<td>(447,009,000)</td>
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#### Rural Housing Insurance Fund Program Account:

**Loan authorizations:**

<table>
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<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td>Low-income housing (sec. 502)</td>
<td>(1,200,000,000)</td>
<td>(1,200,000,000)</td>
<td>(−200,000,000)</td>
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<tr>
<td>Unsubsidized guaranteed</td>
<td>(1,000,000,000)</td>
<td>(1,700,000,000)</td>
<td>(+700,000,000)</td>
</tr>
<tr>
<td>Housing repair (sec. 504)</td>
<td>(35,000,000)</td>
<td>(35,000,000)</td>
<td>(−35,000,000)</td>
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<tr>
<td>Farm labor (sec. 514)</td>
<td>(15,915,000)</td>
<td>(16,482,000)</td>
<td>(+567,000)</td>
</tr>
<tr>
<td>Rental housing (sec. 515)</td>
<td>(190,476,000)</td>
<td>(220,000,000)</td>
<td>(+30,000)</td>
</tr>
<tr>
<td>Site loans (sec. 524)</td>
<td>(632,000)</td>
<td>(632,000)</td>
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<tr>
<td>Credit sales of acquired property</td>
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<td>(75,000,000)</td>
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<tr>
<td>Total, Loan authorizations</td>
<td>(2,442,023,000)</td>
<td>(2,847,114,000)</td>
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**Loan subsidies:**

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<th>Appropriated, fiscal year 1996</th>
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<td>Single family (sec. 502)</td>
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<td>Unsubsidized guaranteed</td>
<td>2,210,000</td>
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<tr>
<td>Subtotal</td>
<td>244,720,000</td>
<td>148,723,000</td>
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<td>Housing repair (sec. 504)</td>
<td>14,193,000</td>
<td>14,193,000</td>
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### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
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<tr>
<td><strong>Farm labor (sec. 514)</strong></td>
<td>7,911,000</td>
<td>9,482,000</td>
<td>+718,000</td>
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<tr>
<td><strong>Rental housing (sec. 515):</strong></td>
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<tr>
<td>Direct</td>
<td>100,000,000</td>
<td>92,973,000</td>
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<tr>
<td>Unsubsidized guaranteed(^5)</td>
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<td>(1,000,000)</td>
<td>(1,000,000)</td>
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<td>Credit sales of acquired property</td>
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<td><strong>Total, Loan subsidies</strong></td>
<td>364,321,000</td>
<td>383,811,000</td>
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<td><strong>RHIF administrative expenses</strong></td>
<td>389,818,000</td>
<td>395,211,000</td>
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<td><strong>Rental assistance program:</strong></td>
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<tr>
<td>(Sec. 521)</td>
<td>517,108,000</td>
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<tr>
<td>(Sec. 502(c)(5)(D))</td>
<td>5,900,000</td>
<td>5,900,000</td>
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<td><strong>Total, Rental assistance program</strong></td>
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<td>571,483,000</td>
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<td><strong>Total, Rural Housing Insurance Fund</strong></td>
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<tr>
<td>(Direct loan authorization)</td>
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<td>(1,547,114,000)</td>
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<td>(Guaranteed loan authorization)</td>
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<td>(1,300,000,000)</td>
<td>(1,700,000,000)</td>
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<tr>
<td><strong>Self-Help Housing Land Development Fund:</strong></td>
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<td></td>
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<tr>
<td>(Loan authorization)</td>
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<td>(603,000)</td>
<td>(603,000)</td>
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<tr>
<td>Loan subsidy</td>
<td>11,000</td>
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<td>Administrative expenses</td>
<td>14,000</td>
<td>31,000</td>
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<td><strong>Community Facility Loans Program Account:</strong></td>
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<td>Loan subsidies:</td>
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<tr>
<td>Direct</td>
<td>21,375,000</td>
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<td>Guaranteed</td>
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<td><strong>Total, Loan subsidies</strong></td>
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<td>38,435,000</td>
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<tr>
<td>Loan authorizations:</td>
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<tr>
<td>Direct</td>
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<td>(250,000,000)</td>
<td>(25,000,000)</td>
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<tr>
<td>Guaranteed</td>
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<td>(75,000,000)</td>
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### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

#### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

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<tr>
<th>Description</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, Loan authorizations</td>
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<td>(350,000,000)</td>
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### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

#### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

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</table>
### Rural Utilities Service:

**Loan authorizations:**
- **Water and waste disposal facility loans:**
  - Direct: $(905,523,000)$
- **Water and sewer:**
  - Direct: $126,502,000$

**Loan subsidies:**
- **Direct loans:**
  - Electric 5 percent: $9,703,000$
  - Telephone 5 percent: $3,997,000$

**Rural Electrification and Telephone Loans Program Account:**

**Loan authorizations:**
- **Direct loans:**
  - Electric 5 percent: $(100,000,000)$
  - Telephone 5 percent: $(54,534,000)$

- **Subtotal:** $(154,534,000)$
- **Treasury rate:** Telephone: $(297,000,000)$
- **Muni-rate:** Electric: $(575,250,000)$

**FFB loans:**
- **Electric, regular:** $(300,000,000)$
- **Telephone:** $(120,000,000)$

**Subtotal:** $(420,000,000)$

**Total, Loan authorizations:** $(1,446,784,000)$

**Loan subsidies:**
- **Direct loans:**
  - Electric 5 percent: $9,703,000$
  - Telephone 5 percent: $3,997,000$

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<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Electric 5 percent</td>
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<tr>
<td>Telephone 5 percent</td>
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<tr>
<td>Direct</td>
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<td>Electric 5 percent</td>
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<td>Subtotal</td>
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<td>$(1,570,250,000)$</td>
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### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

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### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

#### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

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#### Rural partnership (by transfer)

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Subtotal

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Total, Rural Utilities Service

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#### TITLE IV

#### DOMESTIC FOOD PROGRAMS

Office of the Under Secretary for Food, Nutrition and Consumer Services

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Food and Consumer Service:

#### Child nutrition programs

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Transfer from section 32

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#### Total, Child nutrition programs

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#### Special supplemental nutrition program for women, infants, and children (WIC)

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<th>Appropriated</th>
<th>Increase (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(−90,193,000)</td>
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</table>

#### Commodity supplemental food program

<table>
<thead>
<tr>
<th>Enacted</th>
<th>Appropriated</th>
<th>Increase (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(−400,000,000)</td>
</tr>
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</table>

#### Food stamp program

<table>
<thead>
<tr>
<th>Enacted</th>
<th>Appropriated</th>
<th>Increase (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(−165,059,000)</td>
</tr>
</tbody>
</table>

#### Expenses

<table>
<thead>
<tr>
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<th>Appropriated</th>
<th>Increase (−)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>(−165,059,000)</td>
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</tbody>
</table>

Reserve

<table>
<thead>
<tr>
<th>Enacted</th>
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<th>Increase (−)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>(−2,000,000,000)</td>
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</table>

Nutrition assistance for Puerto Rico

<table>
<thead>
<tr>
<th>Enacted</th>
<th>Appropriated</th>
<th>Increase (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(−12,472,000)</td>
</tr>
<tr>
<td></td>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appropriations, 1996, Public Law 104–37—Continued</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>[Amounts in dollars]</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle tick eradication</td>
<td>12,472,000</td>
<td></td>
</tr>
<tr>
<td>Total, Food stamp program</td>
<td>28,830,710,000</td>
<td>29,762,877,000</td>
</tr>
<tr>
<td>The emergency food assistance program</td>
<td>40,000,000</td>
<td>40,000,000</td>
</tr>
<tr>
<td>Commodity assistance program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food donations programs for selected groups:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Needy family program</td>
<td>33,154,000</td>
<td>78,639,000</td>
</tr>
<tr>
<td>Elderly feeding program</td>
<td>150,000,000</td>
<td>151,250,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>183,154,000</td>
<td>229,889,000</td>
</tr>
<tr>
<td>Soup kitchens</td>
<td>40,000,000</td>
<td>40,000,000</td>
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<tr>
<td>Total, Food donations programs</td>
<td>223,154,000</td>
<td>269,889,000</td>
</tr>
<tr>
<td>Commodity purchases—TEFAP</td>
<td>25,000,000</td>
<td></td>
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<tr>
<td>Nutrition Initiatives:</td>
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<tr>
<td>Nutrition support</td>
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<td>45,526,000</td>
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<tr>
<td>Nutrition promotion</td>
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<td>4,218,000</td>
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<tr>
<td>Food program administration</td>
<td></td>
<td>106,465,000</td>
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<tr>
<td>Total, Food and Consumer Service</td>
<td>40,229,269,000</td>
<td>42,090,314,000</td>
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<tr>
<td>Total, title IV, Domestic Food Programs</td>
<td>40,229,809,000</td>
<td>42,090,867,000</td>
</tr>
</tbody>
</table>

**Title V**

**Foreign Assistance and Related Programs**

|                                    | Enacted, fiscal year 1995 | Budget estimates, fiscal year 1996 | Appropriated, fiscal year 1996 | Increase (+) or decrease (−) |
|                                    |                           |                                   |                               |                             |
| Foreign Agricultural Service, direct appropriation | 108,880,000               | 120,201,000                        | 115,802,000                   | +6,922,000                 |
| (Transfer from Commodity Credit Corporation) | (4,914,000)               | (5,176,000)                        | (5,176,000)                   | +262,000                  |
| (Transfer from export loans)         | (2,792,000)               | (3,137,000)                        | (2,792,000)                   | −345,000                  |
| (Transfer from Public Law 480)       | (1,425,000)               | (1,005,000)                        | (1,005,000)                   | −420,000                  |
| Total, program level                | (118,011,000)             | (129,519,000)                      | (124,775,000)                 | +6,764,000                |

[102x684]
### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
#### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
</tbody>
</table>

Scientific activities overseas (foreign currency program) (limitation on administrative expenses) .......................... (1,062,000) ................................ ................................ ................................ ................................ (−1,062,000) ...................................

Public Law 480 Program Account:

Title I—Credit sales:

### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
#### APPROPRIATIONS, 1996, PUBLIC LAW 104–37—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
</tbody>
</table>

#### Total, CCC Export Loans Program Account
- Enacted, fiscal year 1995: 397,774,000
- Budget estimates, fiscal year 1996: 378,092,000
- Appropriated, fiscal year 1996: 377,728,000
- Increase or decrease: 
  - Appropriated versus enacted: -20,046,000
  - Appropriated versus estimates: -364,000

#### Total, title V, Foreign assistance and related programs
- Enacted, fiscal year 1995: 1,712,819,000
- Budget estimates, fiscal year 1996: 1,495,496,000
- Appropriated, fiscal year 1996: 1,627,542,000
- Increase or decrease: 
  - Appropriated versus enacted: 85,277,000
  - Appropriated versus estimates: -132,046,000

(by transfer)
- Enacted, fiscal year 1995: 9,131,000
- Budget estimates, fiscal year 1996: 9,318,000
- Appropriated, fiscal year 1996: 8,973,000
- Increase or decrease: 
  - Appropriated versus enacted: -158,000
  - Appropriated versus estimates: -345,000

(direct loan authorization)
- Enacted, fiscal year 1995: 291,342,000
- Budget estimates, fiscal year 1996: 161,540,000
- Appropriated, fiscal year 1996: 291,342,000
- Increase or decrease: 
  - Appropriated versus enacted: 158,000
  - Appropriated versus estimates: 345,000

(guaranteed loan authorization)
- Enacted, fiscal year 1995: 5,700,000,000
- Budget estimates, fiscal year 1996: 5,700,000,000
- Appropriated, fiscal year 1996: 5,700,000,000
- Increase or decrease: 
  - Appropriated versus enacted: 0
  - Appropriated versus estimates: 0

#### TITLE VI

##### RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### FOOD AND DRUG ADMINISTRATION

- Salaries and expenses, direct appropriation: 819,971,000
- Budget estimates, fiscal year 1996: 828,999,000
- Appropriated, fiscal year 1996: 819,971,000
- Increase or decrease: 
  - Appropriated versus enacted: -9,028,000

- Prescription drug user fee act: (79,423,000)
- Budget estimates, fiscal year 1996: (84,723,000)
- Appropriated, fiscal year 1996: (84,723,000)
- Increase or decrease: 
  - Appropriated versus enacted: 5,300,000

- Mammography clinics user fee: (6,500,000)
- Budget estimates, fiscal year 1996: (13,000,000)
- Appropriated, fiscal year 1996: (13,000,000)
- Increase or decrease: 
  - Appropriated versus enacted: 6,500,000

- New user fees: (38,740,000)
- Budget estimates, fiscal year 1996: (38,740,000)
- Appropriated, fiscal year 1996: (38,740,000)
- Increase or decrease: 
  - Appropriated versus enacted: 0

- Total, Program level: (905,894,000)
- Budget estimates, fiscal year 1996: (965,462,000)
- Appropriated, fiscal year 1996: (917,694,000)
- Increase or decrease: 
  - Appropriated versus enacted: 11,800,000
  - Appropriated versus estimates: 47,768,000

- Buildings and facilities: 18,150,000
- Budget estimates, fiscal year 1996: 8,350,000
- Appropriated, fiscal year 1996: 12,150,000
- Increase or decrease: 
  - Appropriated versus enacted: 6,000,000
  - Appropriated versus estimates: 3,800,000

- Rental payments (FDA): 46,294,000
- Budget estimates, fiscal year 1996: 46,294,000
- Appropriated, fiscal year 1996: 46,294,000
- Increase or decrease: 
  - Appropriated versus enacted: 0
  - Appropriated versus estimates: 0

- Total, Food and Drug Administration: 884,415,000
- Budget estimates, fiscal year 1996: 883,643,000
- Appropriated, fiscal year 1996: 878,415,000
- Increase or decrease: 
  - Appropriated versus enacted: 6,000,000
  - Appropriated versus estimates: 5,228,000

#### DEPARTMENT OF THE TREASURY

##### Financial Management Service: Payments to the Farm Credit System

- Financial Assistance Corporation: 57,026,000
- Budget estimates, fiscal year 1996: 15,453,000
- Appropriated, fiscal year 1996: 15,453,000
- Increase or decrease: 
  - Appropriated versus enacted: 0

#### INDEPENDENT AGENCIES

##### Commodity Futures Trading Commission

- Enacted, fiscal year 1995: 49,144,000
- Budget estimates, fiscal year 1996: 59,711,000
- Appropriated, fiscal year 1996: 53,601,000
- Increase or decrease: 
  - Appropriated versus enacted: 4,457,000
  - Appropriated versus estimates: 6,110,000

##### Farm Credit Administration (limitation on administrative expenses)

- Enacted, fiscal year 1995: (40,420,000)
- Budget estimates, fiscal year 1996: (39,900,000)
- Appropriated, fiscal year 1996: (40,420,000)
- Increase or decrease: 
  - Appropriated versus enacted: 0
  - Appropriated versus estimates: 500,000

- Total, title VI, Related Agencies and Food and Drug Administration: 990,585,000
- Budget estimates, fiscal year 1996: 958,807,000
- Appropriated, fiscal year 1996: 947,469,000
- Increase or decrease: 
  - Appropriated versus enacted: 43,116,000
  - Appropriated versus estimates: 11,338,000
### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
### Appropriations, 1996, Public Law 104–37—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Limitation on administrative expenses)</td>
<td>−40,420,000</td>
<td>(39,900,000)</td>
<td>−40,420,000</td>
<td>(−39,900,000)</td>
</tr>
</tbody>
</table>

**Title VII—General Provisions**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honey provision (sec. 718)</td>
<td>−3,200,000</td>
<td>−4,000,000</td>
<td>−800,000</td>
<td>−4,000,000</td>
</tr>
<tr>
<td>Limit food stamp deduction (sec. 720)</td>
<td>−12,250,000</td>
<td>−175,000,000</td>
<td>+12,250,000</td>
<td>−175,000,000</td>
</tr>
<tr>
<td>MPP (limitation on mandatory program) (sec. 715)</td>
<td>−123,320,000</td>
<td>−123,320,000</td>
<td>+4,350,000</td>
<td>−123,320,000</td>
</tr>
<tr>
<td>Prohibit cottonseed/sunflower (sec. 722)</td>
<td>−4,350,000</td>
<td>−179,000,000</td>
<td>−35,880,000</td>
<td>−179,000,000</td>
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</table>

**Total Title VII, General Provisions**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total appropriations</td>
<td>68,848,241,000</td>
<td>66,421,993,000</td>
<td>63,015,564,000</td>
<td>−5,832,677,000</td>
</tr>
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</table>

**Other Adjustments Affecting the Bill:**

<table>
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<tr>
<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDA—lab animals</td>
<td>175,000</td>
<td>175,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Samoa</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td></td>
<td></td>
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<tr>
<td>Alcohol fuels credit guarantee program account (Public Law 104–19)</td>
<td>−9,000,000</td>
<td>−9,000,000</td>
<td>+9,000,000</td>
<td>−9,000,000</td>
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<tr>
<td>Travel cut (Public Law 104–19)</td>
<td>−21,000,000</td>
<td>−21,000,000</td>
<td>+21,000,000</td>
<td>−21,000,000</td>
</tr>
<tr>
<td>Prohibit Morrill Nelson Act spending</td>
<td>−2,850,000</td>
<td>35,249,000</td>
<td>+35,249,000</td>
<td></td>
</tr>
<tr>
<td>APHIS spending from collections</td>
<td>35,249,000</td>
<td>35,249,000</td>
<td>+35,249,000</td>
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</tbody>
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**Total Adjustments**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td>Grand total</td>
<td>68,820,566,000</td>
<td>66,457,242,000</td>
<td>63,050,813,000</td>
<td>−5,769,753,000</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(641,067,000)</td>
<td>(727,309,000)</td>
<td>(672,070,000)</td>
<td>+31,003,000</td>
</tr>
<tr>
<td>(Limitation on administrative expenses)</td>
<td>(146,320,000)</td>
<td>(146,145,000)</td>
<td>(106,245,000)</td>
<td>−40,075,000</td>
</tr>
<tr>
<td>(Direct loan authorization)</td>
<td>(5,841,259,000)</td>
<td>(5,335,356,000)</td>
<td>(4,608,704,000)</td>
<td>−1,232,555,000</td>
</tr>
<tr>
<td>(Guaranteed loan authorization)</td>
<td>(9,205,674,000)</td>
<td>(9,442,109,000)</td>
<td>(9,850,000,000)</td>
<td>+644,326,000</td>
</tr>
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</table>

**Grand Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Limitation on administrative expenses)</td>
<td>−40,420,000</td>
<td>−39,900,000</td>
</tr>
<tr>
<td>(Direct loan authorization)</td>
<td>−123,320,000</td>
<td>−123,320,000</td>
</tr>
<tr>
<td>(Guaranteed loan authorization)</td>
<td>−9,205,674,000</td>
<td>−9,850,000,000</td>
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</table>
### DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

**APPROPRIATIONS, 1996, PUBLIC LAW 104-37—Continued**

Includes the following budget amendments:

**H. Doc. 104-63:**

- **Department of Agriculture:**
  - **Rural Utilities Service:**
    - Rural water and waste disposal grants ....................................... $590,000,000
    - Rural water and waste disposal loans program account ........... 218,218,000
  - **Rural Housing and Community Development Service:**
    - Rural community facility loans program account .................. 59,587,000
    - Rental assistance program .................................................. 15,517,000
    - Rural community fire protection grants ........................... 3,400,000
  - **Rural Business and Cooperative Development Service:**
    - Rural business and industry loans program account ........... 30,072,000
    - Rural business enterprise grants ........................................ 48,000,000
    - Rural development performance partnerships program .......... 1,049,974,000
    - Local technical assistance and planning grants .................. 2,500,000
    - Rural development loan program account ...................... 56,646,000

- **Salaries and expenses ..........................................................** $9,589,000
- **Rural technology and cooperative development grants ..........** $3,800,000

**Total .................................................................** $17,700,000

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1. Principal deposited into Federal trust fund. Only interest against principal available for use.
2. CBO estimate of user fees.
3. Fees collected may be credited to this account.
4. The President’s budget requested $8,046,336,000 as Permanent Federal Funds. The Congress provided a current appropriation in lieu of the permanent borrowing authority.
5. Earmarking of funds within appropriated amount.
6. Request reflects original amount based as submitted in the budget.
7. Requested new consolidated structure.
8. Commodity assistance program combines Commodity supplemental food program, The emergency food assistance program, and Soup kitchens.
9. Mandatory appropriation scored against authorizing committee by CBO.
10. CBO estimate of user fee collections and expenditures for mammography facilities inspections.
<table>
<thead>
<tr>
<th></th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enacted, fiscal year 1995</td>
<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td><strong>TITLE I—DEPARTMENT OF JUSTICE</strong></td>
<td>119,643,000</td>
<td>73,229,000</td>
<td>−45,361,000</td>
</tr>
<tr>
<td><strong>GENERAL ADMINISTRATION</strong></td>
<td>74,282,000</td>
<td>−45,361,000</td>
<td>+1,053,000</td>
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<tr>
<td>Salaries and expenses</td>
<td>119,643,000</td>
<td>−45,361,000</td>
<td>+1,053,000</td>
</tr>
<tr>
<td>Violent crime reduction program</td>
<td>17,400,000</td>
<td>−17,400,000</td>
<td>−15,500,000</td>
</tr>
<tr>
<td>Working capital fund</td>
<td>137,006,000</td>
<td>−62,724,000</td>
<td>−14,447,000</td>
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<tr>
<td>Counterterrorism fund</td>
<td>34,220,000</td>
<td>+387,000</td>
<td>+387,000</td>
</tr>
<tr>
<td>Administrative review and appeals</td>
<td>54,336,000</td>
<td>+38,886,000</td>
<td>−15,450,000</td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td>33,180,000</td>
<td>+47,780,000</td>
<td>+14,600,000</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>87,516,000</td>
<td>+86,666,000</td>
<td>−850,000</td>
</tr>
<tr>
<td>Total, General administration</td>
<td>195,799,000</td>
<td>−1,524,000</td>
<td>−7,784,000</td>
</tr>
<tr>
<td><strong>UNITED STATES PAROLE COMMISSION</strong></td>
<td>195,799,000</td>
<td>(+12,000,000)</td>
<td>(+12,000,000)</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>7,450,000</td>
<td>−2,004,000</td>
<td>−1,335,000</td>
</tr>
<tr>
<td>General legal activities</td>
<td>416,834,000</td>
<td>−14,905,000</td>
<td>−35,131,000</td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td>460,000</td>
<td>+2,991,000</td>
<td>+2,991,000</td>
</tr>
<tr>
<td>Total funding available</td>
<td>(421,335,000)</td>
<td>(+185,000)</td>
<td>(−23,131,000)</td>
</tr>
<tr>
<td>Description</td>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Vaccine injury compensation trust fund (permanent) 2</td>
<td>(2,500,000)</td>
<td>(4,028,000)</td>
<td>(4,028,000)</td>
</tr>
<tr>
<td>Independent counsel (permanent, indefinite) 2</td>
<td>(4,000,000)</td>
<td>(2,884,000)</td>
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<td>(Prior year carryover)</td>
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<tr>
<td>(By transfer)</td>
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## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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### Total funding available

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### Fees and expenses of witnesses

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### Community Relations Service

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### Assets forfeiture fund

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### Offsetting collections cancelled

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### Total, Legal activities

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### Radiation Exposure Compensation

#### Administrative expenses

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<th>Increase (+) or decrease (–)</th>
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#### Advance appropriation, fiscal year 1997

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<th>Increase (+) or decrease (–)</th>
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#### Payment to radiation exposure compensation trust fund

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<td>16,264,000</td>
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#### Advance appropriation, fiscal year 1997

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<th>Increase (+) or decrease (–)</th>
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### Total

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<th>Increase (+) or decrease (–)</th>
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### Interagency Law Enforcement

#### Intergency Law Enforcement

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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#### Federal Bureau of Investigation

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<th>Increase (+) or decrease (–)</th>
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#### (By transfer)

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#### Emergency appropriations (Public Law 104–19)

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#### Counterintelligence and national security

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#### FBI Fingerprint identification

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### Violent crime reduction programs:

#### Digital telephony

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#### Other initiatives

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### Total

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### Construction

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<td>(218,300,000)</td>
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<td>DRUG ENFORCEMENT ADMINISTRATION</td>
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<tr>
<td>Offsetting collections cancelled</td>
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<td>Increase (+) or decrease (−)</td>
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<tr>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------</td>
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<td>Immigration examinations fund</td>
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<tr>
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<td>Violent crime reduction programs</td>
<td>(255,200,000)</td>
<td>(335,498,000)</td>
<td>(316,198,000)</td>
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<td>(Fee accounts)</td>
<td>(633,315,000)</td>
<td>(675,802,000)</td>
<td>(821,447,000)</td>
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<td>Total, Federal Prison System</td>
<td>2,610,200,000</td>
<td>2,643,759,000</td>
<td>2,581,078,000</td>
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<td>Salaries and expenses</td>
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<td>2,630,259,000</td>
<td>2,614,578,000</td>
<td>+ 260,981,000 − 15,681,000</td>
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<td>Prior year carryover</td>
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<td>−47,000,000</td>
<td>−17,000,000</td>
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<td>Violent crime reduction programs</td>
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<td>National Institute of Corrections</td>
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<td>10,158,000</td>
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<td>Buildings and facilities</td>
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<td>323,728,000</td>
<td>334,728,000</td>
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<td>Federal Prison Industries, Incorporated (limitation on administrative expenses)</td>
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<td>174,500,000</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
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<td>Appropriated versus estimates</td>
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<td>Model intensive prevention</td>
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<td>State prison drug treatment</td>
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<td>Subtotal</td>
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<td>State and local law enforcement assistance:</td>
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<td>Byrne grants (discretionary)</td>
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<td>Local law enforcement block grant</td>
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<td>D.C. Police (earmark)</td>
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<td>Boys and Girls clubs (earmark)</td>
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<td>Upgrade criminal history records</td>
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<td>State criminal alien assistance program</td>
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<td>Youthful offender incarceration</td>
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<td>−1,500,000</td>
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<td>Crime prevention (direct)</td>
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<td>Other crime control programs</td>
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<td>Community oriented policing services</td>
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<td>−502,964,000</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Police corps (earmark)</td>
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<tr>
<td>Total, Violent crime reduction programs</td>
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<td>3,204,406,000</td>
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<tr>
<td>Total, State and local law enforcement</td>
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<td>Juvenile justice programs</td>
<td>155,250,000</td>
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<td>Public safety officers benefits:</td>
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<td>28,474,000</td>
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<td>Death benefits (indefinite)</td>
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<td>Disability benefits</td>
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<td>2,134,000</td>
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<td>Total, Office of Justice Programs</td>
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<td>3,874,685,000</td>
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<td>Appropoiations</td>
<td>(558,400,000)</td>
<td>(526,453,000)</td>
<td>(667,085,000)</td>
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<td>(3,469,200,000)</td>
<td>(3,207,600,000)</td>
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<td>Procurement reduction</td>
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<td>−23,830,000</td>
<td>−23,830,000</td>
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<td>Violent crime reduction programs</td>
<td>(2,327,900,000)</td>
<td>(3,964,200,000)</td>
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<td>Advance appropriation, fiscal year 1997</td>
<td>(3,463,000)</td>
<td>(3,559,000)</td>
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### TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

#### TRADE AND INFRASTRUCTURE DEVELOPMENT

##### RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

| Salaries and expenses | 20,949,000 | 20,949,000 | 20,889,000 | −60,000 | −60,000 |

#### INTERNATIONAL TRADE COMMISSION

<p>| Salaries and expenses | 42,500,000 | 47,177,000 | 40,000,000 | −2,500,000 | −7,177,000 |</p>
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<th>Category</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<td>Total, Related agencies</td>
<td>63,449,000</td>
<td>68,126,000</td>
<td>60,889,000</td>
<td>−2,560,000</td>
<td>−7,237,000</td>
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<td>Operations and administration</td>
<td>266,093,000</td>
<td>279,558,000</td>
<td>264,885,000</td>
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<td>Operations and administration</td>
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<td>Economic development assistance programs</td>
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<td>Emergency rescission (Public Law 104–19)</td>
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<td>Salaries and expenses</td>
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<td>+2,000</td>
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<td><strong>BUREAU OF THE CENSUS</strong></td>
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<td>+225,000</td>
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### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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### PATENT AND TRADEMARK OFFICE

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Salaries and expenses</td>
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<td>639,655,000</td>
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### SCIENCE AND TECHNOLOGY

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**

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<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Industrial technology services</td>
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<td>Construction of research facilities</td>
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### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations, research, and facilities</td>
<td>1,805,092,000</td>
<td>2,021,135,000</td>
<td>1,795,677,000</td>
<td>−9,415,000, −225,458,000</td>
</tr>
<tr>
<td>Offsetting collections—fees</td>
<td>−6,000,000</td>
<td>−3,000,000</td>
<td>−3,000,000</td>
<td>+3,000,000</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>1,799,092,000</td>
<td>2,018,135,000</td>
<td>1,792,677,000</td>
<td>−6,415,000, −225,458,000</td>
</tr>
<tr>
<td><em>(By transfer from Promote and Develop Fund)</em></td>
<td>(55,500,000)</td>
<td>(55,500,000)</td>
<td>(63,000,000)</td>
<td>(+7,500,000)</td>
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<tr>
<td>Transfer from damage assessment and restoration revolving fund, permanent</td>
<td>8,500,000</td>
<td>3,900,000</td>
<td>3,900,000</td>
<td>−4,600,000</td>
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<tr>
<td>Damage assessment and restoration revolving fund</td>
<td>−1,500,000</td>
<td>−3,900,000</td>
<td>−3,900,000</td>
<td>+2,400,000</td>
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<tr>
<td>Offsetting collections cancelled</td>
<td>−123,000</td>
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<td>+123,000</td>
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<tr>
<td><strong>Total, Operations, research and facilities</strong></td>
<td>1,805,969,000</td>
<td>2,018,135,000</td>
<td>1,792,677,000</td>
<td>−13,292,000, −225,458,000</td>
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<tr>
<td>Program</td>
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<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Coastal zone management fund</td>
<td>(7,800,000)</td>
<td>(7,800,000)</td>
<td>(7,800,000)</td>
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<tr>
<td>Mandatory offset</td>
<td>(−7,800,000)</td>
<td>(−7,800,000)</td>
<td>(−7,800,000)</td>
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<tr>
<td>Construction</td>
<td>82,254,000</td>
<td>52,299,000</td>
<td>50,000,000</td>
<td>−32,254,000</td>
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<tr>
<td>Fleet modernization, shipbuilding and conversion</td>
<td>22,936,000</td>
<td>23,347,000</td>
<td>8,000,000</td>
<td>−14,936,000</td>
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<tr>
<td>GOES satellite contingency fund (rescission)</td>
<td>−2,500,000</td>
<td>−2,500,000</td>
<td>−2,500,000</td>
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<tr>
<td>Fishing vessel and gear damage compensation fund</td>
<td>1,273,000</td>
<td>1,282,000</td>
<td>1,032,000</td>
<td>−241,000</td>
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<td>Fishermen’s contingency fund</td>
<td>999,000</td>
<td>1,000,000</td>
<td>999,000</td>
<td>−1,000</td>
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<td>Foreign fishing observer fund</td>
<td>400,000</td>
<td>396,000</td>
<td>196,000</td>
<td>−204,000</td>
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<tr>
<td>Fishing vessel obligations guarantees</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
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<td>Total</td>
<td>1,911,581,000</td>
<td>2,096,709,000</td>
<td>1,853,154,000</td>
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<td>TECHNOLOGY ADMINISTRATION</td>
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<td>UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY</td>
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<td></td>
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<td>Salaries and expenses</td>
<td>8,242,000</td>
<td>13,906,000</td>
<td>7,000,000</td>
<td>−1,242,000</td>
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<tr>
<td>NTIS revolving fund</td>
<td>7,000,000</td>
<td></td>
<td>−7,000,000</td>
<td></td>
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<tr>
<td>Office of Inspector General</td>
<td>−140,000</td>
<td></td>
<td>+140,000</td>
<td></td>
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<tr>
<td>Total, Science and Technology</td>
<td>2,627,181,000</td>
<td>3,133,665,000</td>
<td>2,480,154,000</td>
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<td>GENERAL ADMINISTRATION</td>
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<tr>
<td>Salaries and expenses</td>
<td>36,471,000</td>
<td>35,826,000</td>
<td>29,100,000</td>
<td>−7,371,000</td>
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<tr>
<td>Office of Inspector General</td>
<td>−17,000</td>
<td></td>
<td>+17,000</td>
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<tr>
<td>Total</td>
<td>16,887,000</td>
<td>22,249,000</td>
<td>19,849,000</td>
<td>+2,962,000</td>
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<tr>
<td>National Institute of Standards and Technology</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of research facilities (rescission)</td>
<td>−12,355,000</td>
<td></td>
<td>−75,000,000</td>
<td>−75,000,000</td>
</tr>
<tr>
<td>Procurement reduction</td>
<td>−12,355,000</td>
<td></td>
<td>+12,355,000</td>
<td></td>
</tr>
<tr>
<td>Net total, Department of Commerce</td>
<td>3,961,209,000</td>
<td>4,662,584,000</td>
<td>3,606,428,000</td>
<td>−354,781,000</td>
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<tr>
<td>Net total, title II, Department of Commerce and related agencies ...</td>
<td>4,024,658,000</td>
<td>4,730,710,000</td>
<td>3,667,317,000</td>
<td>−357,341,000</td>
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</tbody>
</table>
### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>(4,032,408,000)</td>
<td>(4,730,710,000)</td>
<td>(−290,091,000)</td>
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<tr>
<td>Recision</td>
<td>(−7,750,000)</td>
<td>(−75,000,000)</td>
<td>(−67,250,000)</td>
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<tr>
<td>(By transfer)</td>
<td>(55,500,000)</td>
<td>(63,000,000)</td>
<td>(−75,000,000)</td>
</tr>
</tbody>
</table>

| TITLE III—THE JUDICIARY |
|--------------------------|-------------------------------|-----------------------------|
| SUPREME COURT OF THE UNITED STATES |
| Salaries and expenses: |
| Salaries of justices ........................................ | 1,657,000 | 1,662,000 | 1,662,000 | +5,000 |
| Other salaries and expenses .................................. | 22,583,000 | 24,172,000 | 24,172,000 | +1,589,000 |
| Total ................................................................. | 24,240,000 | 25,834,000 | 25,834,000 | +1,907,000 |
| Care of the building and grounds .............................. | 3,000,000 | 4,003,000 | 3,313,000 | +313,000 |
| Total, Supreme Court of the United States ......................... | 27,240,000 | 29,837,000 | 29,147,000 | +1,907,000 |

| UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT |
| Salaries and expenses: |
| Salaries of judges ........................................ | 1,758,000 | 1,892,000 | 1,892,000 | +134,000 |
| Other salaries and expenses .................................. | 11,680,000 | 13,603,000 | 12,396,000 | +716,000 |
| Total ................................................................. | 13,438,000 | 15,495,000 | 14,288,000 | +850,000 |

| UNITED STATES COURT OF INTERNATIONAL TRADE |
| Salaries and expenses: |
| Salaries of judges ........................................ | 1,385,000 | 1,413,000 | 1,413,000 | +28,000 |
| Other salaries and expenses .................................. | 9,300,000 | 9,446,000 | 9,446,000 | +146,000 |
| Total ................................................................. | 10,685,000 | 10,859,000 | 10,859,000 | +174,000 |

| COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES |
| Salaries and expenses: |
| Salaries of judges and bankruptcy judges .................. | 220,428,000 | 226,024,000 | 226,024,000 | +5,596,000 |
| Other salaries and expenses .................................. | 2,119,699,000 | 2,419,941,000 | 2,207,117,000 | +87,418,000 |
| Total ................................................................. | 2,340,127,000 | 2,645,965,000 | 2,433,141,000 | +93,014,000 |
## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fund/Program</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td>Vaccine Injury Compensation Trust Fund</td>
<td>2,250,000</td>
<td>2,320,000</td>
<td>2,318,000</td>
<td>+68,000</td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td></td>
<td>30,700,000</td>
<td>30,000,000</td>
<td>+30,000,000</td>
</tr>
<tr>
<td>Defender services</td>
<td>240,500,000</td>
<td>295,761,000</td>
<td>267,217,000</td>
<td>+26,717,000</td>
</tr>
<tr>
<td>Fees of jurors and commissioners</td>
<td>54,346,000</td>
<td>72,008,000</td>
<td>59,028,000</td>
<td>+4,892,000</td>
</tr>
<tr>
<td>Court security</td>
<td>97,000,000</td>
<td>116,433,000</td>
<td>102,000,000</td>
<td>+5,000,000</td>
</tr>
<tr>
<td>Emergency appropriations (Public Law 104–19)</td>
<td>16,640,000</td>
<td></td>
<td></td>
<td>−16,640,000</td>
</tr>
</tbody>
</table>

**Total, Courts of Appeals, District Courts, and Other Judicial Services**

|                                                                 | 2,750,863,000 | 3,163,187,000 | 2,893,704,000 | +142,841,000 | −269,483,000 |

**Salaries and expenses of the United States Courts**

|                                                                 | 47,500,000    | 53,445,000    | 47,500,000    | −941,000      | −2,857,000    |

**Federal Judicial Center**

|                                                                 | 18,828,000    | 20,771,000    | 17,914,000    | −914,000      | −2,857,000    |

**Judicial Retirement Funds**

|                                                                 | 28,475,000    | 32,900,000    | 32,900,000    | +4,425,000    | −2,857,000    |

**United States Sentencing Commission**

|                                                                 | 8,800,000     | 9,500,000     | 8,500,000     | −300,000      | −1,000,000    |

**Total, title III, the Judiciary**

|                                                                 | 2,905,829,000 | 3,335,994,000 | 3,054,812,000 | +148,983,000 | −281,182,000 |

**Appropriations**

|                                                                 | (2,905,829,000) | (3,305,294,000) | (3,024,812,000) | (+118,983,000) | (−280,482,000) |

**Violent crime reduction programs**

|                                                                 | (30,700,000)   | (30,000,000)   | (30,000,000)   | (+30,000,000)  | (−700,000)     |

**TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES**

**DEPARTMENT OF STATE**

**Administration of Foreign Affairs**

| Diplomatic and consular programs                    | 1,724,628,000  | 1,748,438,000  | 1,708,800,000  | −15,828,000    | −39,638,000    |

| Registration fees                                    | 700,000        | 700,000        | 700,000        |                     |                     |

| Security enhancements                                | 9,720,000      | 9,720,000      | 9,720,000      |                     |                     |

**Total**

|                                                                 | 1,725,328,000  | 1,758,858,000  | 1,719,220,000  | −6,108,000       | −39,638,000    |

<p>| Salaries and expenses                                 | 383,972,000    | 372,480,000    | 363,276,000    | −20,696,000      | −9,204,000     |</p>
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
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<td>Enacted versus enacted</td>
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<tr>
<td>Security enhancements</td>
<td></td>
<td></td>
<td></td>
<td>1,870,000</td>
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<tr>
<td>Total</td>
<td>383,972,000</td>
<td>374,350,000</td>
<td>365,146,000</td>
<td>−18,826,000</td>
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<tr>
<td>Capital investment fund</td>
<td></td>
<td></td>
<td></td>
<td>32,800,000</td>
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<tr>
<td>Office of Inspector General</td>
<td>23,850,000</td>
<td>24,250,000</td>
<td>27,369,000</td>
<td>+3,519,000</td>
</tr>
<tr>
<td>Representation allowances</td>
<td>4,780,000</td>
<td>4,800,000</td>
<td>4,500,000</td>
<td>−280,000</td>
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<tr>
<td>Protection of foreign missions and officials</td>
<td>9,579,000</td>
<td>8,579,000</td>
<td>8,579,000</td>
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<tr>
<td>Security and maintenance of United States missions</td>
<td>391,760,000</td>
<td>421,760,000</td>
<td>385,760,000</td>
<td>−6,000,000</td>
</tr>
<tr>
<td>Emergencies in the diplomatic and consular service</td>
<td>6,500,000</td>
<td>6,000,000</td>
<td>6,000,000</td>
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<tr>
<td>Repatriation Loans Program Account:</td>
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<td>Direct loans subsidy</td>
<td>593,000</td>
<td>593,000</td>
<td>593,000</td>
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<tr>
<td>(Limitation on direct loans)</td>
<td>(741,000)</td>
<td>(741,000)</td>
<td>(741,000)</td>
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<tr>
<td>Administrative expenses</td>
<td>183,000</td>
<td>183,000</td>
<td>183,000</td>
<td>0</td>
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<tr>
<td>Payment to the American Institute in Taiwan</td>
<td>15,465,000</td>
<td>15,465,000</td>
<td>15,165,000</td>
<td>−300,000</td>
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<tr>
<td>Payment to the Foreign Service Retirement and Disability Fund</td>
<td>129,321,000</td>
<td>125,402,000</td>
<td>125,402,000</td>
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</tr>
<tr>
<td>Total, Administration of Foreign Affairs</td>
<td>2,691,331,000</td>
<td>2,773,040,000</td>
<td>2,674,317,000</td>
<td>−17,014,000</td>
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<tr>
<td>INTERNATIONAL ORGANIZATIONS AND CONFERENCES</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Contributions to international organizations</td>
<td>872,661,000</td>
<td>923,057,000</td>
<td>892,000,000</td>
<td>+19,339,000</td>
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<tr>
<td>Contributions for international peacekeeping activities</td>
<td>518,687,000</td>
<td>445,000,000</td>
<td>359,000,000</td>
<td>−159,687,000</td>
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<tr>
<td>International conferences and contingencies</td>
<td>6,000,000</td>
<td>6,000,000</td>
<td>3,000,000</td>
<td>−3,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,397,348,000</td>
<td>1,374,057,000</td>
<td>1,254,000,000</td>
<td>−143,348,000</td>
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<tr>
<td>INTERNATIONAL COMMISSIONS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States and Mexico:</td>
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<td></td>
</tr>
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<td>Salaries and expenses</td>
<td>12,858,000</td>
<td>13,858,000</td>
<td>12,058,000</td>
<td>−800,000</td>
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<td>Construction</td>
<td>6,644,000</td>
<td>10,398,000</td>
<td>6,644,000</td>
<td>0</td>
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<tr>
<td>American sections, international commissions</td>
<td>5,800,000</td>
<td>6,290,000</td>
<td>5,800,000</td>
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<td>International fisheries commissions</td>
<td>14,669,000</td>
<td>14,669,000</td>
<td>14,669,000</td>
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</tr>
<tr>
<td>Total</td>
<td>39,971,000</td>
<td>45,215,000</td>
<td>39,171,000</td>
<td>−800,000</td>
</tr>
<tr>
<td>OTHER</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>5,000,000</td>
<td>−5,000,000</td>
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</table>
## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Appropriation (Fiscal Year 1995 Defense Bill, Public Law 103–335)</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,000,000</td>
<td></td>
<td></td>
<td>− 5,000,000</td>
</tr>
<tr>
<td>Procurement reduction</td>
<td>−5,566,000</td>
<td>−5,566,000</td>
<td>+5,566,000</td>
<td></td>
</tr>
<tr>
<td>Total, Department of State</td>
<td>4,143,650,000</td>
<td>4,202,312,000</td>
<td>3,972,488,000</td>
<td>−171,162,000</td>
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### RELATED AGENCIES

#### ARMS CONTROL AND DISARMAMENT AGENCY

<table>
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<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td>Arms control and disarmament activities</td>
<td>50,378,000</td>
<td>76,300,000</td>
<td>38,700,000</td>
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<tr>
<td>Procurement reduction</td>
<td>−122,000</td>
<td>4,593,000</td>
<td>+122,000</td>
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### BOARD FOR INTERNATIONAL BROADCASTING

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<tr>
<th></th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel Relay Station (rescission)</td>
<td>−2,000,000</td>
<td>4,593,000</td>
<td>+2,000,000</td>
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### UNITED STATES INFORMATION AGENCY

#### Salaries and expenses

<table>
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<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td>475,645,000</td>
<td>496,002,000</td>
<td>445,645,000</td>
<td>−30,000,000</td>
</tr>
<tr>
<td>Technology fund</td>
<td>10,100,000</td>
<td>10,100,000</td>
<td>5,050,000</td>
<td>+5,050,000</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>4,300,000</td>
<td>4,300,000</td>
<td>−4,300,000</td>
<td>−4,300,000</td>
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</tbody>
</table>

#### Educational and cultural exchange programs

<table>
<thead>
<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer (Fiscal Year 1995 Foreign Ops Bill, Public Law 103–336)</td>
<td>233,279,000</td>
<td>252,676,000</td>
<td>200,000,000</td>
<td>−33,279,000</td>
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</table>

#### Eisenhower Exchange Fellowship Program trust fund (indefinite)

<table>
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<tr>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
<td>2,800,000</td>
<td>2,800,000</td>
<td>300,000</td>
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#### Israeli Arab scholarship program (indefinite)

<table>
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<tr>
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<tr>
<td></td>
<td>2,000,000</td>
<td>397,000</td>
<td>397,000</td>
<td>−1,600,000</td>
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#### International Broadcasting Operations

<table>
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<tr>
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<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td>Radio Free Asia:</td>
<td>475,363,000</td>
<td>475,363,000</td>
<td>325,191,000</td>
<td>−150,172,000</td>
</tr>
<tr>
<td>Operations (direct)</td>
<td>24,809,000</td>
<td>24,809,000</td>
<td>24,809,000</td>
<td>−4,000,000</td>
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<tr>
<td>Operations (earmarked)</td>
<td>−5,000,000</td>
<td>−5,000,000</td>
<td>−5,000,000</td>
<td>−5,000,000</td>
</tr>
<tr>
<td>Broadcasting to Cuba (direct)</td>
<td>69,314,000</td>
<td>69,314,000</td>
<td>40,000,000</td>
<td>−29,314,000</td>
</tr>
<tr>
<td>Broadcasting to Cuba (earmarked)</td>
<td>24,000,000</td>
<td>24,000,000</td>
<td>24,000,000</td>
<td>+2,000,000</td>
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#### Radio construction

<table>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>69,314,000</td>
<td>85,919,000</td>
<td>40,000,000</td>
<td>−29,314,000</td>
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#### North/South Center

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<th>Budget estimates, fiscal year 1996</th>
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<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td>40,000,000</td>
<td>10,000,000</td>
<td>200,000</td>
<td>+8,000,000</td>
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</table>

#### National Endowment for Democracy

<table>
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<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td>34,000,000</td>
<td>34,000,000</td>
<td>30,000,000</td>
<td>−4,000,000</td>
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#### Procurement reduction

<table>
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<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
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<th>Appropriated, fiscal year 1996</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>−1,440,000</td>
<td>−1,440,000</td>
<td>−1,440,000</td>
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</table>
### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td>Appropriated versus enacted</td>
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<tr>
<td>Total, United States Information Agency</td>
<td>1,393,967,000</td>
<td>1,300,327,000</td>
<td>−308,616,000</td>
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<tr>
<td>Total, Related agencies</td>
<td>1,442,223,000</td>
<td>1,376,627,000</td>
<td>−318,172,000</td>
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<tr>
<td>Total, title IV, Department of State and related agencies</td>
<td>5,585,873,000</td>
<td>5,578,939,000</td>
<td>−489,334,000</td>
</tr>
</tbody>
</table>

### TITLE V—RELATED AGENCIES

#### DEPARTMENT OF TRANSPORTATION

**Maritime Administration**

| Operating-differential subsidies (liquidation of contract authority) | (214,356,000) | (162,610,000) | (162,610,000) | (−51,746,000) |
| Maritime National Security Program | ≥ | 175,000,000 | 46,000,000 | +46,000,000 | −129,000,000 |
| Operations and training | 76,087,000 | 81,650,000 | 66,600,000 | −9,487,000 | −15,050,000 |
| Procurement reduction | −360,000 | ≥ | ≥ | +360,000 |
| Ready reserve force: Maintenance, operations and facilities | 149,653,000 | ≥ | ≥ | −149,653,000 |
| Rescission | −158,000,000 | ≥ | ≥ | +158,000,000 |
| Maritime Guaranteed Loan (title XI) Program Account: Guaranteed loans subsidy | 25,000,000 | 48,000,000 | 40,000,000 | +15,000,000 | −8,000,000 |
| (Limitation on guaranteed loans) | (250,000,000) | (1,000,000,000) | (1,000,000,000) | (+750,000,000) |
| Administrative expenses | 2,000,000 | 4,000,000 | 3,500,000 | +1,500,000 | −500,000 |
| Total, Maritime Administration | 94,380,000 | 308,650,000 | 156,100,000 | +61,720,000 | −152,550,000 |

**Commission for the Preservation of America’s Heritage Abroad**

| Salaries and expenses | 206,000 | 212,000 | 206,000 | −6,000 |

**Commission on Civil Rights**

| Salaries and expenses | 9,000,000 | 11,400,000 | 8,750,000 | −250,000 | −2,650,000 |

**Commission on Immigration Reform**

| Salaries and expenses | 1,894,000 | 2,877,000 | 1,894,000 | −983,000 |

**Commission on Security and Cooperation in Europe**

<p>| Salaries and expenses | 1,090,000 | 1,122,000 | 1,090,000 | −32,000 |</p>
<table>
<thead>
<tr>
<th>Agency</th>
<th>Salaries and expenses</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPETITIVENESS POLICY COUNCIL</td>
<td>1,000,000</td>
<td>503,000</td>
<td>50,000</td>
<td>−950,000</td>
</tr>
<tr>
<td>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</td>
<td>233,000,000</td>
<td>268,000,000</td>
<td>233,000,000</td>
<td>−35,000,000</td>
</tr>
<tr>
<td>FEDERAL COMMUNICATIONS COMMISSION</td>
<td>−242,000</td>
<td>−116,400,000</td>
<td>−116,400,000</td>
<td>+242,000</td>
</tr>
<tr>
<td>Total</td>
<td>68,635,000</td>
<td>107,200,000</td>
<td>59,309,000</td>
<td>−9,326,000</td>
</tr>
<tr>
<td>FEDERAL MARITIME COMMISSION</td>
<td>18,569,000</td>
<td>18,947,000</td>
<td>14,855,000</td>
<td>−3,714,000</td>
</tr>
<tr>
<td>Offsetting fee collections—current year</td>
<td>−116,400,000</td>
<td>−126,400,000</td>
<td>−10,000,000</td>
<td>−10,000,000</td>
</tr>
<tr>
<td>Procurement reduction</td>
<td>−197,000</td>
<td>−2,228,000</td>
<td>−2,228,000</td>
<td>+197,000</td>
</tr>
<tr>
<td>Total</td>
<td>18,569,000</td>
<td>16,719,000</td>
<td>14,855,000</td>
<td>−3,714,000</td>
</tr>
<tr>
<td>FEDERAL TRADE COMMISSION</td>
<td>98,928,000</td>
<td>107,873,000</td>
<td>98,928,000</td>
<td>−8,945,000</td>
</tr>
<tr>
<td>Offsetting fee collections—carryover</td>
<td>−4,500,000</td>
<td>−19,360,000</td>
<td>−14,860,000</td>
<td>−19,360,000</td>
</tr>
<tr>
<td>Procurement reduction</td>
<td>−39,640,000</td>
<td>−48,262,000</td>
<td>−48,262,000</td>
<td>−8,622,000</td>
</tr>
<tr>
<td>Total</td>
<td>54,643,000</td>
<td>59,611,000</td>
<td>31,306,000</td>
<td>−23,337,000</td>
</tr>
<tr>
<td>JAPAN-UNITED STATES FRIENDSHIP COMMISSION</td>
<td>1,247,000</td>
<td>1,250,000</td>
<td>1,247,000</td>
<td>−3,000</td>
</tr>
<tr>
<td>(Foreign currency appropriation)</td>
<td>(1,420,000)</td>
<td>(1,420,000)</td>
<td>(1,420,000)</td>
<td>−3,000</td>
</tr>
<tr>
<td>LEGAL SERVICES CORPORATION</td>
<td>400,000,000</td>
<td>440,000,000</td>
<td>278,000,000</td>
<td>−122,000,000</td>
</tr>
<tr>
<td>MARINE MAMMAL COMMISSION</td>
<td>1,384,000</td>
<td>1,425,000</td>
<td>1,190,000</td>
<td>−194,000</td>
</tr>
</tbody>
</table>

[Amounts in dollars]
### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
</tbody>
</table>

#### MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION
Salaries and expenses ....................................................................................... 300,000 350,000 350,000

#### NATIONAL BANKRUPTCY REVIEW COMMISSION
Salaries and expenses (by transfer) ............................................................... (1,000,000)                  

#### OCONEE OF PREVENTION COUNCIL
Direct appropriation .......................................................................................... 1,500,000 + 1,500,000 + 1,500,000
Violent crime reduction programs 3 ................................................................. 14,700,000 − 14,700,000

#### TOTAL
.................................................................................................................. 14,700,000 1,500,000 + 1,500,000 − 13,200,000

#### SECURITIES AND EXCHANGE COMMISSION
Salaries and expenses ....................................................................................... 297,405,000 342,922,000 297,405,000 − 45,517,000
Offsetting fee collections ............................................................................. 192,000,000 − 184,293,000 + 7,707,000 − 184,293,000
Offsetting fee collections—carryover .......................................................... − 30,549,000 − 9,667,000 + 20,882,000 − 9,667,000
Investment adviser fee—offsetting collection ............................................ (− 8,595,000) (− 8,595,000) + 902,000
Procurement reduction ................................................................................. − 902,000 − 902,000

#### TOTAL
.................................................................................................................. 73,954,000 342,922,000 103,445,000 − 239,477,000

#### SMALL BUSINESS ADMINISTRATION
Salaries and expenses ....................................................................................... 251,504,000 242,831,000 222,490,000 − 29,341,000 − 20,341,000
Offsetting fee collections ............................................................................. − 9,350,000 − 3,300,000 − 3,300,000 + 6,050,000

#### TOTAL
.................................................................................................................. 242,154,000 239,531,000 219,190,000 − 22,944,000 − 20,341,000

#### Office of Inspector General ........................................................................ 8,500,000 9,200,000 8,500,000 − 700,000

#### Business Loans Program Account:
Direct loans subsidy ....................................................................................... 3,596,000 12,428,000 4,500,000 + 904,000 − 7,928,000
Guaranteed loans subsidy 4 .......................................................................... 274,439,000 50,835,000 155,010,000 − 119,429,000 + 104,175,000
Micro loan guarantees .................................................................................. 1,216,000 1,700,000 1,216,000
Section 503 prepayment ............................................................................. 30,000,000 − 30,000,000
Administrative expenses ............................................................................... 97,000,000 99,910,000 92,622,000 − 4,378,000 − 7,288,000

#### TOTAL
.................................................................................................................. 406,251,000 164,873,000 253,348,000 − 152,903,000 + 88,475,000
### Disaster Loans Program Account:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct loans subsidy</td>
<td>52,153,000</td>
<td>34,432,000</td>
<td>34,432,000</td>
<td>−17,721,000</td>
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<tr>
<td>Administrative expenses</td>
<td>78,000,000</td>
<td>80,340,000</td>
<td>71,578,000</td>
<td>−6,422,000, −8,762,000</td>
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<tr>
<td>Contingency fund (emergency)</td>
<td>125,000,000</td>
<td>100,000,000</td>
<td></td>
<td>−125,000,000, −100,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>255,153,000</td>
<td>214,772,000</td>
<td>106,010,000</td>
<td>−149,143,000, −108,762,000</td>
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<tr>
<td>Surety bond guarantees revolving fund</td>
<td>5,369,000</td>
<td>2,530,000</td>
<td>2,530,000</td>
<td>−2,839,000</td>
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<tr>
<td>Procurement reduction</td>
<td>−1,021,000</td>
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<td>+1,021,000</td>
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<tr>
<td>Total</td>
<td>13,550,000</td>
<td>14,150,000</td>
<td>5,000,000</td>
<td>−8,550,000, −9,150,000</td>
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### Total, Small Business Administration

<table>
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<tr>
<th>Account Description</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Disaster Loans Program Account</td>
<td>916,406,000</td>
<td>630,906,000</td>
<td>589,578,000</td>
<td>−326,828,000, −41,328,000</td>
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<tr>
<td>Total</td>
<td>13,550,000</td>
<td>14,150,000</td>
<td>5,000,000</td>
<td>−8,550,000, −9,150,000</td>
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### Title V, Related agencies

<table>
<thead>
<tr>
<th>Account Description</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td>Disaster Loans Program Account</td>
<td>1,889,016,000</td>
<td>2,221,997,000</td>
<td>1,486,870,000</td>
<td>−402,146,000, −735,127,000</td>
</tr>
<tr>
<td>Procurement</td>
<td>(2,047,016,000)</td>
<td>(2,206,697,000)</td>
<td>(1,486,870,000)</td>
<td>(−560,146,000), (−719,827,000)</td>
</tr>
<tr>
<td>Rescission</td>
<td>(−158,000,000)</td>
<td></td>
<td></td>
<td>(−158,000,000)</td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td>(15,300,000)</td>
<td></td>
<td></td>
<td>(−15,300,000)</td>
</tr>
<tr>
<td>(Liquidation of contract authority)</td>
<td>(214,356,000)</td>
<td>(162,610,000)</td>
<td>(162,610,000)</td>
<td>(−51,746,000)</td>
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### Title VI—General Provisions

<table>
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<tr>
<th>Account Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Procurement: General provisions</td>
<td>−11,769,000</td>
<td></td>
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<td>+11,769,000</td>
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### Title VII—Rescissions

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Justice General Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working capital fund (rescission)</td>
<td></td>
<td>−65,000,000</td>
<td>−65,000,000</td>
<td>−65,000,000</td>
</tr>
<tr>
<td>Department of State Administration of Foreign Affairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition and maintenance of buildings abroad (rescission)</td>
<td></td>
<td>−64,500,000</td>
<td>−64,500,000</td>
<td>−64,500,000</td>
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</table>
### RELATED AGENCIES

**UNITED STATES INFORMATION AGENCY**

<table>
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<tr>
<th>Item</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−) of Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio construction (recission)</td>
<td></td>
<td>−7,400,000</td>
<td>−7,400,000</td>
<td>−7,400,000</td>
<td>−7,400,000</td>
</tr>
<tr>
<td>Net total, title VII, Rescissions</td>
<td></td>
<td>−136,900,000</td>
<td>−136,900,000</td>
<td>−136,900,000</td>
<td>−136,900,000</td>
</tr>
<tr>
<td>Net total appropriations</td>
<td>26,683,360,000</td>
<td>31,151,767,000</td>
<td>27,834,372,000</td>
<td>+1,151,012,000</td>
<td>−3,317,395,000</td>
</tr>
</tbody>
</table>

Other adjustments affecting the bill:

- **Sec. 503**: −30,000,000
- **USIA, Salaries and expenses (reappropriation)**: +30,000,000
- **USIA transfer from fiscal year 1996 FOPS Bill (Public Law 103–336)**: −2,000,000
- **Fiscal Year 1995 Defense Bill (Public Law 103–335) rescission and offset**: +42,000,000
- **Technical Administration rescission adjustment (Public Law 104–19)**: −439,000
- **Travel cut (Public Law 104–19)**: −750,000
  
  **Total, adjustments**: −131,689,000 +131,689,000

**Net grand total**

| Appropriations                                                       | 26,551,671,000            | 31,151,767,000                     | 27,834,372,000                 | +1,282,701,000                                             | −3,317,395,000               |
| Recissions                                                           | (−173,250,000)            | (24,397,021,000)                   | (27,108,912,000)               | (−322,982,000)                                             | (−3,034,873,000)             |
| Violent crime reduction programs                                     | (2,327,900,000)           | (4,010,200,000)                    | (3,955,969,000)                | (−1,628,069,000)                                           | (−54,231,000)                |
| Advance appropriation, fiscal year 1997                              | (56,500,000)              | (55,500,000)                       | (106,000,000)                  | (−49,500,000)                                             | (−50,500,000)                |
| (By transfer)                                                        | (3,463,000)               | (3,559,000)                        | (3,559,000)                    | (+ 96,000)                                                |                             |
| (Limitation on administrative expenses)                              | (741,000)                 | (741,000)                          | (741,000)                      |                             |                             |
| (Limitation on direct loans)                                         | (214,356,000)             | (162,610,000)                      | (162,610,000)                  | (−51,746,000)                                             |                             |
| (Foreign currency appropriation)                                     | (1,420,000)               | (1,420,000)                        | (1,420,000)                    |                             |                             |
Includes the following budget amendments:

H. Doc. 104-39:
Department of Commerce:
- National Oceanic and Atmospheric Administration: Operations, research, and facilities ................................................................. $3,265,000

H. Doc. 104-63:
Department of Transportation:
- Maritime Administration: Maritime security program ......................... 175,000,000

H. Doc. 104-88:
Small Business Administration:
- Salaries and expenses ........................................................................ 24,427,000
- Surety bond guarantees revolving fund ................................................... −3,000,000
- Business loans program account ......................................................... −199,760,000

H. Doc. 104-100:
Department of Commerce:
- Bureau of the Census: Salaries and expenses ...................................... −10,000,000
- National Oceanic and Atmospheric Administration: Operations, research, and facilities ................................................................. −7,400,000

Department of Justice:
- General Administration: Counter-terrorism fund ............................... 26,398,000
- Legal Activities:
  - Salaries and expenses, United States Marshals Service .................. 10,000,000
  - Salaries and expenses, General Legal Activities ............................ 2,207,000

Salaries and expenses, United States Attorneys ................................. 55,421,000
Federal Bureau of Investigation:
- Construction ..................................................................................... 99,259,000

Salaries and expenses ........................................................................... 164,810,000
Department of State:
- Administration of Foreign Affairs: Diplomatic and consular programs ................................................................. 11,590,000
- International Organizations and Conferences: Contributions to international organizations .................................................. −11,000,000

Total ...................................................................................................... 285,833,000

1 The fiscal year 1995 funding for Administrative review and appeals was provided in salaries and expenses.
2 These accounts are included in permanent Federal funds.
3 Funding of $1,500,000 was provided under Office of Justice Programs in fiscal year 1995.
4 Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.
5 The State Justice Institute is authorized to submit its budget directly to Congress. The President’s request includes $7,000,000 for the Institute.
6 The fiscal year 1995 budget authority amount reflects the unspread balance. Included in adjustments total in agency recap.
### TITLE I
### MILITARY PERSONNEL

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
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<tr>
<td>Military Personnel, Army</td>
<td>20,870,470,000</td>
<td>19,721,408,000</td>
<td>19,946,187,000</td>
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<tr>
<td>Military Personnel, Navy</td>
<td>17,752,237,000</td>
<td>16,930,609,000</td>
<td>17,008,563,000</td>
<td>−743,674,000, +77,954,000</td>
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<tr>
<td>Military Personnel, Marine Corps</td>
<td>5,800,071,000</td>
<td>5,877,740,000</td>
<td>5,885,740,000</td>
<td>+85,669,000, +8,000,000</td>
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<tr>
<td>Military Personnel, Air Force</td>
<td>17,388,579,000</td>
<td>17,108,120,000</td>
<td>17,207,743,000</td>
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<tr>
<td>Reserve Personnel, Army</td>
<td>2,168,120,000</td>
<td>2,101,366,000</td>
<td>2,122,466,000</td>
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<tr>
<td>Reserve Personnel, Marine Corps</td>
<td>1,411,049,000</td>
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<td>1,355,523,000</td>
<td>−55,886,000, +7,300,000</td>
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<tr>
<td>Reserve Personnel, Air Force</td>
<td>871,634,000</td>
<td>782,761,000</td>
<td>784,586,000</td>
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<tr>
<td>National Guard Personnel, Army</td>
<td>3,350,505,000</td>
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<tr>
<td>National Guard Personnel, Air Force</td>
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<td>1,246,427,000</td>
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Total, title I, Military Personnel .......................................................................................................................... 71,101,502,000

### TITLE II
### OPERATION AND MAINTENANCE

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<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
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<tbody>
<tr>
<td>Operation and Maintenance, Army</td>
<td>18,443,688,000</td>
<td>18,134,736,000</td>
<td>18,321,965,000</td>
<td>−121,723,000, +187,229,000</td>
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<tr>
<td>(By transfer—National Defense Stockpile)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
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<tr>
<td>Operation and Maintenance, Navy</td>
<td>21,476,170,000</td>
<td>21,175,710,000</td>
<td>21,279,425,000</td>
<td>−196,745,000, +103,715,000</td>
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<tr>
<td>(By transfer—National Defense Stockpile)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
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<tr>
<td>Operation and Maintenance, Marine Corps</td>
<td>2,021,715,000</td>
<td>2,269,722,000</td>
<td>2,392,522,000</td>
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<tr>
<td>Operation and Maintenance, Air Force</td>
<td>19,613,927,000</td>
<td>18,206,597,000</td>
<td>18,561,267,000</td>
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<tr>
<td>(By transfer—Aircraft Procurement, Air Force 1995/1997)</td>
<td>(23,500,000)</td>
<td>(23,500,000)</td>
<td>(23,500,000)</td>
<td></td>
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<tr>
<td>Operation and Maintenance, Defense-Wide</td>
<td>10,477,504,000</td>
<td>10,366,782,000</td>
<td>10,388,595,000</td>
<td>−88,909,000, +21,813,000</td>
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<tr>
<td>Operation and Maintenance, Army Reserve</td>
<td>1,237,009,000</td>
<td>1,068,591,000</td>
<td>1,119,191,000</td>
<td>−117,818,000, +50,600,000</td>
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<tr>
<td>Operation and Maintenance, Navy Reserve</td>
<td>846,619,000</td>
<td>826,042,000</td>
<td>859,542,000</td>
<td>+12,923,000, +33,500,000</td>
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<tr>
<td>Operation and Maintenance, Marine Corps Reserve</td>
<td>81,362,000</td>
<td>90,283,000</td>
<td>100,283,000</td>
<td>+18,421,000, +10,000,000</td>
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<tr>
<td>Operation and Maintenance, Air Force Reserve</td>
<td>1,471,505,000</td>
<td>1,485,947,000</td>
<td>1,519,287,000</td>
<td>+47,782,000, +33,340,000</td>
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<tr>
<td>Operation and Maintenance, Army National Guard</td>
<td>2,424,888,000</td>
<td>2,304,108,000</td>
<td>2,440,808,000</td>
<td>+15,920,000, +136,700,000</td>
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<tr>
<td>Operation and Maintenance, Air National Guard</td>
<td>2,772,928,000</td>
<td>2,712,221,000</td>
<td>2,776,121,000</td>
<td>+3,193,000, +63,900,000</td>
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<tr>
<td>National Board for the Promotion of Rifle Practice, Army</td>
<td>2,544,000</td>
<td></td>
<td></td>
<td>−2,544,000</td>
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<tr>
<td>United States Court of Military Appeals for the Armed Forces</td>
<td>6,126,000</td>
<td></td>
<td></td>
<td>+395,000</td>
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<td>Environmental Restoration, Defense</td>
<td>1,480,200,000</td>
<td>1,622,200,000</td>
<td>1,422,200,000</td>
<td>−58,000,000, −200,000,000</td>
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</table>
### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 1996, PUBLIC LAW 104–61—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Enacted versus en acted</td>
<td>Appropriated versus estimates</td>
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<table>
<thead>
<tr>
<th>Activity</th>
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<th>1996</th>
<th>1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Summer Olympics</td>
<td>14,400,000</td>
<td>15,000,000</td>
<td>15,000,000</td>
<td>+ 600,000</td>
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<tr>
<td>Special Olympics</td>
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<td>3,000,000</td>
<td>3,000,000</td>
<td>− 3,000,000</td>
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<tr>
<td>Humanitarian Assistance</td>
<td>65,000,000</td>
<td>79,790,000</td>
<td>79,790,000</td>
<td>− 65,000,000</td>
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<tr>
<td>Overseas Humanitarian, Disaster, and Civic Aid</td>
<td>380,000,000</td>
<td>371,000,000</td>
<td>300,000,000</td>
<td>+ 50,000,000</td>
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<tr>
<td>Former Soviet Union threat reduction</td>
<td>65,000,000</td>
<td>65,000,000</td>
<td>65,000,000</td>
<td>− 65,000,000</td>
</tr>
<tr>
<td>Contributions for International Peacekeeping and Peace Enforcement</td>
<td>80,000,000</td>
<td>71,000,000</td>
<td>71,000,000</td>
<td>− 6,000,000</td>
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Total, title II, Operation and maintenance: 82,819,085,000

(By transfer) 173,500,000

Total, title II: 81,552,727,000

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<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Enacted versus en acted</td>
<td>Appropriated versus estimates</td>
<td></td>
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<table>
<thead>
<tr>
<th>Title III PROCUREMENT</th>
<th>1995</th>
<th>1996</th>
<th>1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td>Aircraft Procurement, Army</td>
<td>1,028,753,000</td>
<td>1,223,067,000</td>
<td>1,558,805,000</td>
<td>+ 530,052,000</td>
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<tr>
<td>Missile Procurement, Army</td>
<td>813,795,000</td>
<td>865,555,000</td>
<td>1,110,685,000</td>
<td>+ 315,650,000</td>
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<tr>
<td>Procurement of Weapons and Tracked Combat Vehicles, Army</td>
<td>1,151,914,000</td>
<td>1,298,986,000</td>
<td>1,652,745,000</td>
<td>+ 353,759,000</td>
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<tr>
<td>Procurement of Ammunition, Army</td>
<td>1,125,321,000</td>
<td>795,015,000</td>
<td>1,110,685,000</td>
<td>+ 315,650,000</td>
</tr>
<tr>
<td>Other Procurement, Army</td>
<td>2,649,348,000</td>
<td>2,256,601,000</td>
<td>2,769,443,000</td>
<td>+ 512,842,000</td>
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<tr>
<td>Aircraft Procurement, Navy</td>
<td>4,627,645,000</td>
<td>4,589,394,000</td>
<td>4,305,053,000</td>
<td>+ 430,053,000</td>
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<tr>
<td>Procurement of Ammunition, Navy</td>
<td>2,159,080,000</td>
<td>1,669,827,000</td>
<td>1,231,494,000</td>
<td>− 1,231,494,000</td>
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<tr>
<td>Shipbuilding and Conversion, Navy</td>
<td>5,412,462,000</td>
<td>6,643,958,000</td>
<td>6,643,958,000</td>
<td>+ 640,000,000</td>
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</table>

Total, title III, Procurement: 43,124,636,000

(By transfer) 1,200,000,000

Total, title III: 44,069,316,000

<table>
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<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted versus en acted</td>
<td>Appropriated versus estimates</td>
<td></td>
</tr>
</tbody>
</table>

| Defense-Wide Procurement       | 1,015,521,000| 1,184,097,000| 1,184,097,000| + 1,184,097,000             |
| Procurement, Defense-Wide      | 288,401,000  | 638,800,000  | 638,800,000  | + 638,800,000               |
| Other Procurement, Air Force   | 6,959,101,000| 6,643,958,000| 6,643,958,000| + 640,000,000               |
| National Guard and Reserve Equipment | 770,000,000 | 777,000,000 | 777,000,000 | + 7,000,000                |

Total, title III, Procurement: 43,124,636,000

(By transfer) 1,200,000,000

Total, title III: 44,069,316,000
### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 1996, PUBLIC LAW 104–61—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Title IV</th>
<th>Research, Development, Test and Evaluation</th>
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<tbody>
<tr>
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<td>Enacted, fiscal year 1995</td>
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<tr>
<td>Research, Development, Test and Evaluation, Army</td>
<td>5,478,413,000</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Navy</td>
<td>8,727,368,000</td>
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<tr>
<td>Research, Development, Test and Evaluation, Air Force</td>
<td>12,011,372,000</td>
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<tr>
<td>Developmental Test and Evaluation, Defense-Wide</td>
<td>8,662,942,000</td>
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<tr>
<td>Operational Test and Evaluation, Defense</td>
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<td>Total, title IV, Research, Development, Test and Evaluation</td>
<td>35,130,599,000</td>
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<thead>
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<th>Title V</th>
<th>Revolving and Management Funds</th>
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<tr>
<td>Defense business operations fund</td>
<td>945,238,000</td>
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<tr>
<td>National Defense Sealift Fund</td>
<td>724,400,000</td>
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<td>Total, title V, Revolving and Management Funds</td>
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<table>
<thead>
<tr>
<th>Title VI</th>
<th>Other Department of Defense Programs</th>
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<td>Defense health program:</td>
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<tr>
<td>Operation and maintenance</td>
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<td>Procurement</td>
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<tr>
<td>Total, Defense Health Program</td>
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<tr>
<td>Chemical Agents and Munitions Destruction, Defense:</td>
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<tr>
<td>Operation and maintenance</td>
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<tr>
<td>Procurement</td>
<td>198,965,000</td>
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<tr>
<td>Research, development, test, and evaluation</td>
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<tr>
<td>Total, Chemical Agents</td>
<td>575,449,000</td>
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<tr>
<td>Drug interdiction and counter-drug activities, Defense</td>
<td>721,266,000</td>
</tr>
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</table>
### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 1996, PUBLIC LAW 104–61—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Office of the Inspector General</th>
<th>Enacted, fiscal year 1995</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
<td>140,872,000</td>
<td>139,226,000</td>
<td>178,226,000</td>
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<tr>
<td><strong>Total, title VI, Other Department of Defense Programs</strong></td>
<td>11,381,546,000</td>
<td>11,719,914,000</td>
<td>11,765,266,000</td>
<td>+383,720,000</td>
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</tbody>
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### TITLE VII

#### RELATED AGENCIES

| Central Intelligence Agency Retirement and Disability System Fund | 198,000,000 | 213,900,000 | 213,900,000 | +15,900,000 |
| National Security Education Trust Fund | 8,500,000 | 15,000,000 | 7,500,000 | −1,000,000 |
| Total funding available | (−75,000,000) | (−75,000,000) | (−7,500,000) | |
| Intelligence Community Management Account | 92,684,000 | 93,283,000 | 90,683,000 | −2,001,000 |
| Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund | 50,000,000 | 25,000,000 | 25,000,000 | +25,000,000 |
| **Total, title VII, Related agencies** | 349,184,000 | 322,183,000 | 337,083,000 | −12,101,000 |

### TITLE VIII

#### GENERAL PROVISIONS

<p>| Additional transfer authority (sec. 8005) | (2,000,000,000) | (2,000,000,000) | (2,400,000,000) | (+400,000,000) |
| FFRDCs/Consultants/University labs (sec. 8046) | −520,589,000 | −90,000,000 | +430,589,000 | −90,000,000 |
| Disposal and lease of DOD real property (sec. 8056) | 8,000,000 | 8,000,000 | 8,000,000 | |
| National Science Center for Communications and Electronics, Army (sec. 8074) | 45,000 | 85,000 | 85,000 | +40,000 |
| Recissions (sec. 8083) | −561,217,000 | −30,000,000 | −561,217,000 | −30,000,000 |
| Contractor ADP (sec. 8101) | −30,000,000 | −30,000,000 | −30,000,000 | |
| Inflation Reestimate (sec. 8125) | −832,000,000 | −442,000,000 | −832,000,000 | −442,000,000 |
| Management efficiencies (sec. 8129) | −420,000,000 | −420,000,000 | −420,000,000 | |
| Overseas Military Facility Investment Recovery Account | 7,086,000 | −7,086,000 | |
| National Guard and Reserve “Overbilling” | 67,000,000 | −67,000,000 | |
| Sports account, reappropriation | 800,000 | −800,000 | |
| Civil-Military cooperation program operations | 8,000,000 | −8,000,000 | |
| Rongelap Resettlement Trust Fund | 5,000,000 | −5,000,000 | |
| Cost-of-living adjustment for military retirees | 376,000,000 | −376,000,000 | |
| United States Coast Guard | 39,497,000 | −39,497,000 | |
| Defense conversion SMECTA reappropriation | 10,000,000 | −10,000,000 | |
| Utility Reconfiguration Project at the Philadelphia Naval Complex | 14,200,000 | −14,200,000 | |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td>Procurement reduction</td>
<td>−304,900,000</td>
<td>−304,900,000</td>
<td>+304,900,000</td>
<td>+304,900,000</td>
</tr>
<tr>
<td>Aircraft procurement, Navy (rescission)</td>
<td>−200,000,000</td>
<td>−200,000,000</td>
<td>+200,000,000</td>
<td>+200,000,000</td>
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<tr>
<td>Net total, title VIII, general provisions</td>
<td>−489,861,000</td>
<td>8,085,000</td>
<td>−1,947,132,000</td>
<td>−1,955,217,000</td>
</tr>
<tr>
<td>Net total appropriations</td>
<td>245,086,329,000</td>
<td>236,394,017,000</td>
<td>243,301,297,000</td>
<td>−1,785,032,000</td>
</tr>
<tr>
<td>Other adjustments affecting the bill:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rescission of unobligated balances (Public Law 104–6):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procurement 1993/1994</td>
<td>−517,000,000</td>
<td>−517,000,000</td>
<td>+517,000,000</td>
<td>+517,000,000</td>
</tr>
<tr>
<td>RDT&amp;E, 1994</td>
<td>−131,600,000</td>
<td>−131,600,000</td>
<td>+131,600,000</td>
<td>+131,600,000</td>
</tr>
<tr>
<td>Travel and administrative reduction (Public Law 104–19)</td>
<td>−50,000,000</td>
<td>−50,000,000</td>
<td>+50,000,000</td>
<td>+50,000,000</td>
</tr>
<tr>
<td>Total adjustments</td>
<td>−1,418,600,000</td>
<td>−1,418,600,000</td>
<td>+1,418,600,000</td>
<td>+1,418,600,000</td>
</tr>
<tr>
<td>Net grand total</td>
<td>244,387,729,000</td>
<td>236,394,017,000</td>
<td>243,301,297,000</td>
<td>−1,086,432,000</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(245,236,329,000)</td>
<td>(236,394,017,000)</td>
<td>(243,862,514,000)</td>
<td>(−1,373,815,000)</td>
</tr>
<tr>
<td>Rescissions</td>
<td>(−848,600,000)</td>
<td>(−561,217,000)</td>
<td>(−287,383,000)</td>
<td>(−561,217,000)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(1,373,500,000)</td>
<td>(150,000,000)</td>
<td>(150,000,000)</td>
<td>(−1,223,500,000)</td>
</tr>
</tbody>
</table>

1 Included in budget under Procurement title.
**DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-134**

**[Amounts in dollars]**

### TITLE I

#### FISCAL YEAR 1996 APPROPRIATIONS

**FEDERAL FUNDS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal payment to the District of Columbia</td>
<td>660,000,000</td>
<td>660,000,000</td>
<td>660,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Federal contribution to retirement funds</td>
<td>52,070,000</td>
<td>52,070,000</td>
<td>52,070,000</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total, Federal funds to the District of Columbia** | 712,070,000 | 712,070,000 | 712,070,000 | 0 |

**DISTRICT OF COLUMBIA FUNDS**

#### OPERATING EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental direction and support</td>
<td>(131,077,000)</td>
<td>(150,721,000)</td>
<td>(149,130,000)</td>
<td>(+ 18,053,000) (− 1,591,000)</td>
</tr>
<tr>
<td>Economic development and regulation</td>
<td>(149,858,000)</td>
<td>(142,711,000)</td>
<td>(140,983,000)</td>
<td>(+ 1,728,000)</td>
</tr>
<tr>
<td>Human resources development</td>
<td>(87,752,000)</td>
<td>(87,752,000)</td>
<td>(87,752,000)</td>
<td>0</td>
</tr>
<tr>
<td>Public safety and justice</td>
<td>(902,466,000)</td>
<td>(963,848,000)</td>
<td>(963,848,000)</td>
<td>61,382,000</td>
</tr>
<tr>
<td>Public education system</td>
<td>(832,303,000)</td>
<td>(795,201,000)</td>
<td>(795,201,000)</td>
<td>− 37,102,000 (− 4,879,000)</td>
</tr>
<tr>
<td>Human support services</td>
<td>(1,542,648,000)</td>
<td>(1,855,014,000)</td>
<td>(1,855,014,000)</td>
<td>+ 312,366,000 (− 4,608,000)</td>
</tr>
<tr>
<td>Public works</td>
<td>(279,627,000)</td>
<td>(297,568,000)</td>
<td>(297,568,000)</td>
<td>+ 17,941,000</td>
</tr>
<tr>
<td>Financing and other</td>
<td>(269,654,000)</td>
<td>(269,654,000)</td>
<td>(269,654,000)</td>
<td>0</td>
</tr>
<tr>
<td>Washington Convention Center Fund transfer payment</td>
<td>(12,850,000)</td>
<td>(5,400,000)</td>
<td>(5,400,000)</td>
<td>− 7,450,000 (5,400,000)</td>
</tr>
<tr>
<td>Repayment of loans and interest</td>
<td>(306,768,000)</td>
<td>(327,787,000)</td>
<td>(327,787,000)</td>
<td>+ 21,019,000 (327,787,000)</td>
</tr>
<tr>
<td>Repayment of general fund recovery debt</td>
<td>(38,678,000)</td>
<td>(38,678,000)</td>
<td>(38,678,000)</td>
<td>0</td>
</tr>
<tr>
<td>Short-term borrowing</td>
<td>(5,000,000)</td>
<td>(9,698,000)</td>
<td>(9,698,000)</td>
<td>+ 4,698,000 (9,698,000)</td>
</tr>
<tr>
<td>Pay renegotiation or reduction in compensation</td>
<td>(3,312,000)</td>
<td>(46,409,000)</td>
<td>(46,409,000)</td>
<td>− 46,409,000 (− 46,409,000)</td>
</tr>
<tr>
<td>Pay adjustment</td>
<td>(106,095,000)</td>
<td>(106,095,000)</td>
<td>(106,095,000)</td>
<td>0</td>
</tr>
<tr>
<td>D.C. General Hospital deficit payment</td>
<td>(10,000,000)</td>
<td>(10,000,000)</td>
<td>(10,000,000)</td>
<td>0</td>
</tr>
<tr>
<td>Rainy day fund</td>
<td>(22,508,000)</td>
<td>(4,563,000)</td>
<td>(4,563,000)</td>
<td>− 17,945,000</td>
</tr>
<tr>
<td>Job-producing economic development incentives</td>
<td>(22,600,000)</td>
<td>(22,600,000)</td>
<td>(22,600,000)</td>
<td>0</td>
</tr>
<tr>
<td>Cash reserve fund</td>
<td>(3,957,000)</td>
<td>(3,957,000)</td>
<td>(3,957,000)</td>
<td>0</td>
</tr>
<tr>
<td>Incentive buyout program</td>
<td>(19,000,000)</td>
<td>(19,000,000)</td>
<td>(19,000,000)</td>
<td>0</td>
</tr>
<tr>
<td>Outplacement services</td>
<td>(1,500,000)</td>
<td>(1,500,000)</td>
<td>(1,500,000)</td>
<td>0</td>
</tr>
<tr>
<td>Boards and Commissions</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>(500,000)</td>
<td>0</td>
</tr>
<tr>
<td>Government re-engineering program</td>
<td>(140,000,000)</td>
<td>(140,000,000)</td>
<td>(140,000,000)</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total, operating expenses, general fund** | (4,317,499,000) | (4,485,166,000) | (4,545,461,000) | + 227,962,000 (60,295,000) |
### CAPITAL OUTLAY

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General fund (net)</td>
<td>(94,238,000)</td>
<td>(62,562,000)</td>
<td>(62,562,000)</td>
<td>(−31,676,000)</td>
</tr>
<tr>
<td><strong>ENTERPRISE FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water and Sewer Enterprise Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating expenses</td>
<td>(275,576,000)</td>
<td>(243,853,000)</td>
<td>(242,253,000)</td>
<td>(−33,323,000)</td>
</tr>
<tr>
<td>Capital outlay</td>
<td>(23,354,635)</td>
<td>(39,477,000)</td>
<td>(39,477,000)</td>
<td>(−16,122,365)</td>
</tr>
<tr>
<td>Total, Water and Sewer Enterprise Fund</td>
<td>(298,930,635)</td>
<td>(283,330,000)</td>
<td>(281,730,000)</td>
<td>(−17,200,635)</td>
</tr>
<tr>
<td>Lottery and Charitable Games Enterprise Fund</td>
<td>(192,068,000)</td>
<td>(229,950,000)</td>
<td>(229,950,000)</td>
<td>(−37,882,000)</td>
</tr>
<tr>
<td>Cable Television Enterprise Fund</td>
<td>(2,654,000)</td>
<td>(2,351,000)</td>
<td>(2,351,000)</td>
<td>(−303,000)</td>
</tr>
<tr>
<td>STARPLEX fund</td>
<td>(6,392,000)</td>
<td>(6,580,000)</td>
<td>(6,580,000)</td>
<td>(−188,000)</td>
</tr>
<tr>
<td>D.C. General Hospital</td>
<td>(143,920,000)</td>
<td>(115,034,000)</td>
<td>(58,299,000)</td>
<td>(−85,621,000)</td>
</tr>
<tr>
<td>D.C. Retirement Board</td>
<td>(13,440,000)</td>
<td>(13,440,000)</td>
<td>(13,440,000)</td>
<td>(−13,440,000)</td>
</tr>
<tr>
<td>Correctional Industries fund</td>
<td>(7,642,000)</td>
<td>(10,516,000)</td>
<td>(10,516,000)</td>
<td>(−2,874,000)</td>
</tr>
<tr>
<td>Washington Conventional Center Enterprise Fund</td>
<td>(19,541,000)</td>
<td>(37,957,000)</td>
<td>(32,557,000)</td>
<td>(−5,400,000)</td>
</tr>
<tr>
<td>District of Columbia Financial Responsibility and Management Assistance Authority</td>
<td></td>
<td>(3,500,000)</td>
<td>(3,500,000)</td>
<td>(−3,500,000)</td>
</tr>
<tr>
<td>Total, Enterprise Funds</td>
<td>(671,474,635)</td>
<td>(702,658,000)</td>
<td>(638,923,000)</td>
<td>(−63,735,000)</td>
</tr>
<tr>
<td>Personal and nonpersonal services adjustments</td>
<td>(−13,632,000)</td>
<td>(−150,907,000)</td>
<td>(−137,275,000)</td>
<td>(−150,907,000)</td>
</tr>
<tr>
<td>Total, District of Columbia funds</td>
<td>(5,069,252,635)</td>
<td>(5,250,386,000)</td>
<td>(5,096,039,000)</td>
<td>(−154,347,000)</td>
</tr>
</tbody>
</table>

### TITLE II

#### FISCAL YEAR 1995 SUPPLEMENTAL

**DISTRICT OF COLUMBIA FUNDS**

**OPERATING EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental direction and support</td>
<td></td>
<td>(−7,713,000)</td>
<td>(−7,713,000)</td>
<td>(−7,713,000)</td>
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<tr>
<td>Economic development and regulation</td>
<td></td>
<td>(−3,525,000)</td>
<td>(−3,525,000)</td>
<td>(−3,525,000)</td>
</tr>
</tbody>
</table>
### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human resources development</td>
<td></td>
<td>(– 8,308,000)</td>
<td>(– 8,308,000)</td>
<td>(+ 8,308,000)</td>
</tr>
<tr>
<td>Public safety and justice</td>
<td></td>
<td>(44,870,000)</td>
<td>(– 44,870,000)</td>
<td>(– 44,870,000)</td>
</tr>
<tr>
<td>Public education system</td>
<td></td>
<td>(– 49,524,000)</td>
<td>(– 49,524,000)</td>
<td>(– 49,524,000)</td>
</tr>
<tr>
<td>Human support services</td>
<td></td>
<td>(274,578,000)</td>
<td>(– 274,578,000)</td>
<td>(– 274,578,000)</td>
</tr>
<tr>
<td>Public works</td>
<td></td>
<td>(26,609,000)</td>
<td>(– 26,609,000)</td>
<td>(– 26,609,000)</td>
</tr>
<tr>
<td>Washington Convention Center Fund</td>
<td></td>
<td>(– 7,675,000)</td>
<td>(– 7,675,000)</td>
<td>(– 7,675,000)</td>
</tr>
<tr>
<td>Repayment of loans and interest</td>
<td></td>
<td>(– 72,151,000)</td>
<td>(– 72,151,000)</td>
<td>(– 72,151,000)</td>
</tr>
<tr>
<td>Short-term borrowing</td>
<td></td>
<td>(6,500,000)</td>
<td>(– 6,500,000)</td>
<td>(– 6,500,000)</td>
</tr>
<tr>
<td>Optical and dental benefits</td>
<td></td>
<td>(– 1,656,000)</td>
<td>(– 1,656,000)</td>
<td>(– 1,656,000)</td>
</tr>
<tr>
<td>Pay adjustment</td>
<td></td>
<td>(– 106,095,000)</td>
<td>(– 106,095,000)</td>
<td>(– 106,095,000)</td>
</tr>
<tr>
<td>D.C. General Hospital deficit payment</td>
<td></td>
<td>(– 10,000,000)</td>
<td>(– 10,000,000)</td>
<td>(– 10,000,000)</td>
</tr>
<tr>
<td>Rainy day fund</td>
<td></td>
<td>(– 25,508,000)</td>
<td>(– 25,508,000)</td>
<td>(– 25,508,000)</td>
</tr>
<tr>
<td>Job-producing economic development incentives</td>
<td></td>
<td>(– 22,600,000)</td>
<td>(– 22,600,000)</td>
<td>(– 22,600,000)</td>
</tr>
<tr>
<td>Cash reserve fund</td>
<td></td>
<td>(– 3,957,000)</td>
<td>(– 3,957,000)</td>
<td>(– 3,957,000)</td>
</tr>
<tr>
<td>Personal and nonpersonal services adjustments</td>
<td></td>
<td>(13,632,000)</td>
<td>(– 13,632,000)</td>
<td>(– 13,632,000)</td>
</tr>
<tr>
<td>Compensation of boards and commissions</td>
<td></td>
<td>(– 300,000)</td>
<td>(– 300,000)</td>
<td>(– 300,000)</td>
</tr>
<tr>
<td>Contracts for goods and services</td>
<td></td>
<td>(– 6,000,000)</td>
<td>(– 6,000,000)</td>
<td>(– 6,000,000)</td>
</tr>
<tr>
<td>Pay renegotiation or reduction in compensation</td>
<td></td>
<td>(– 45,652,000)</td>
<td>(– 45,652,000)</td>
<td>(– 45,652,000)</td>
</tr>
<tr>
<td>Sec. 138(a) reduction in fiscal year 1995 expenses</td>
<td></td>
<td>(140,000,000)</td>
<td>(– 140,000,000)</td>
<td>(– 140,000,000)</td>
</tr>
<tr>
<td><strong>Total, operating expenses, general fund (net)</strong></td>
<td></td>
<td>(138,525,000)</td>
<td>(– 138,525,000)</td>
<td></td>
</tr>
</tbody>
</table>

**ENTERPRISE FUNDS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water and Sewer Enterprise Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating expenses</td>
<td>(– 61,693,000)</td>
<td>(– 61,693,000)</td>
<td>(– 61,693,000)</td>
<td>(– 61,693,000)</td>
</tr>
<tr>
<td>Lottery and Charitable Games Enterprise Fund</td>
<td>(– 606,000)</td>
<td>(– 606,000)</td>
<td>(– 606,000)</td>
<td>(– 606,000)</td>
</tr>
<tr>
<td>Cable Television Enterprise Fund</td>
<td>(– 354,000)</td>
<td>(– 354,000)</td>
<td>(– 354,000)</td>
<td>(– 354,000)</td>
</tr>
<tr>
<td><strong>Total, Enterprise Funds (net)</strong></td>
<td>(– 62,653,000)</td>
<td>(– 62,653,000)</td>
<td>(– 62,653,000)</td>
<td>(– 62,653,000)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, title II, fiscal year 1995 supplemental: District of Columbia funds (net)</td>
<td>(75,872,000)</td>
<td>(75,872,000)</td>
<td>(– 75,872,000)</td>
<td>(– 75,872,000)</td>
</tr>
</tbody>
</table>
### TITLE I

**DEPARTMENT OF DEFENSE—CIVIL**  
**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS—CIVIL**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General investigations</td>
<td>171,199,000</td>
<td>155,625,000</td>
<td>121,767,000</td>
<td>−49,432,000 (−33,858,000)</td>
</tr>
<tr>
<td>Construction, general</td>
<td>923,668,000</td>
<td>785,125,000</td>
<td>804,573,000</td>
<td>−119,095,000 (+19,448,000)</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>−71,000</td>
<td></td>
<td></td>
<td>+71,000</td>
</tr>
<tr>
<td>Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee</td>
<td>328,138,000</td>
<td>319,250,000</td>
<td>307,885,000</td>
<td>−20,253,000 (−11,365,000)</td>
</tr>
<tr>
<td>Operation and maintenance, general</td>
<td>1,646,535,000</td>
<td>1,749,875,000</td>
<td>1,703,697,000</td>
<td>+57,162,000 (−46,178,000)</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>−1,000</td>
<td></td>
<td></td>
<td>+1,000</td>
</tr>
<tr>
<td>Regulatory program</td>
<td>101,000,000</td>
<td>112,000,000</td>
<td>101,000,000</td>
<td>−1,000 (−11,000,000)</td>
</tr>
<tr>
<td>Flood control and coastal emergencies</td>
<td>14,979,000</td>
<td>20,000,000</td>
<td>10,000,000</td>
<td>−4,979,000 (−10,000,000)</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>−5,000</td>
<td></td>
<td></td>
<td>+5,000</td>
</tr>
<tr>
<td>Oil spill research</td>
<td>900,000</td>
<td>850,000</td>
<td>850,000</td>
<td>−50,000</td>
</tr>
<tr>
<td>General expenses</td>
<td>152,500,000</td>
<td>164,725,000</td>
<td>151,500,000</td>
<td>−1,000 (−13,225,000)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
<td>−4,000</td>
<td></td>
<td></td>
<td>+4,000</td>
</tr>
<tr>
<td>Rivers and harbors contributed funds</td>
<td>−16,000</td>
<td></td>
<td></td>
<td>+16,000</td>
</tr>
<tr>
<td>Total, title I, Department of Defense—Civil</td>
<td>3,338,822,000</td>
<td>3,307,450,000</td>
<td>3,201,272,000</td>
<td>−137,550,000 (−106,178,000)</td>
</tr>
</tbody>
</table>

### TITLE II

**DEPARTMENT OF THE INTERIOR**  
**CENTRAL UTAH PROJECT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Utah Project Completion Account:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Utah project construction</td>
<td>22,839,000</td>
<td>19,390,000</td>
<td>19,390,000</td>
<td>−3,449,000</td>
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<tr>
<td>Federal contribution</td>
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<td>5,000,000</td>
<td>5,000,000</td>
<td></td>
</tr>
<tr>
<td>Utah Reclamation Mitigation and Conservation Account</td>
<td>11,133,000</td>
<td>18,503,000</td>
<td>18,503,000</td>
<td>+7,370,000</td>
</tr>
<tr>
<td>(By transfer from Western Area Power Administration)</td>
<td>(5,135,000)</td>
<td>(5,283,000)</td>
<td>(5,283,000)</td>
<td>(+148,000)</td>
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<tr>
<td>Program oversight and administration</td>
<td>1,191,000</td>
<td>1,246,000</td>
<td>1,246,000</td>
<td>+55,000</td>
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<tr>
<td>Total, Central Utah project completion account</td>
<td>40,163,000</td>
<td>44,139,000</td>
<td>44,139,000</td>
<td>+3,976,000</td>
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**BUREAU OF RECLAMATION**

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General investigations</td>
<td>14,190,000</td>
<td>13,602,000</td>
<td>12,684,000</td>
<td>−1,506,000 (−918,000)</td>
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</table>
ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–46—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
</tbody>
</table>

**Construction program** ................................................................. 432,727,000 375,943,000 411,046,000 –21,681,000 +35,103,000

**Operation and maintenance** ......................................................... 274,300,000 288,759,000 273,076,000 –1,224,000 –15,683,000

**Bureau of Reclamation loan program account** ............................. 9,600,000 16,668,000 11,668,000 +2,068,000 –5,000,000

*(Limitation on direct loans)* ................................................................. (23,000,000) (37,000,000) (37,000,000) (+ 14,000,000)

**Central Valley project restoration fund** ....................................... (–7,472,000) (–4,556,000) (–4,556,000) (+ 2,916,000)

**Emergency fund** ............................................................................. 1,000,000

**Colorado River Dam fund (by transfer, permanent authority)** ........... (23,000,000) (37,000,000) (37,000,000) (+ 14,000,000)

**General administrative expenses** .................................................... 54,034,000 50,327,000 48,150,000 5,884,000 –2,177,000

**Emergency fund** ............................................................................. 1,000,000

**Central Valley project restoration fund** ....................................... (–7,472,000) (–4,556,000) (–4,556,000) (+ 2,916,000)

**Working Capital Fund**

*Offsetting collections* ........................................................................ –863,000

*Procurement process* ......................................................................... –1,848,000

**Total, Bureau of Reclamation** ....................................................... 828,525,000 788,878,000 800,203,000 –28,322,000 +11,325,000

**Total, title II, Department of the Interior** ....................................... 868,688,000 833,017,000 844,342,000 –24,346,000 +11,325,000

*(By transfer)* ...................................................................................... (5,135,000) (5,283,000) (5,283,000) (+ 148,000)

*(Limitation on direct loans)* ................................................................. (23,000,000) (37,000,000) (37,000,000) (+ 14,000,000)

**Total** .......................................................................................................

**TITLE III**

**DEPARTMENT OF ENERGY**

**Energy Supply, Research and Development Activities** ................. 3,240,548,000 3,355,521,000 2,727,407,000 –513,141,000 –628,114,000

**Uranium Supply and Enrichment Activities** .................................... 73,210,000 75,441,000 64,197,000 –9,013,000 –11,244,000

**Gross revenues** ............................................................................... –9,900,000 –34,903,000 –34,903,000 –25,003,000

**Net appropriation** ............................................................................ 63,310,000 40,538,000 29,294,000 –34,016,000 –11,244,000

**Uranium enrichment decontamination and decommissioning fund** .... 301,327,000 288,807,000 278,807,000 –22,520,000 –10,000,000

**General Science and Research Activities** ....................................... 984,031,000 1,011,699,000 981,000,000 –3,031,000 –30,699,000

**Nuclear Waste Disposal Fund** ......................................................... 392,800,000

**Environmental Restoration and Waste Management:**

*Defense function* ............................................................................. (4,892,691,000) (5,986,736,000) (5,557,532,000) (+ 664,841,000) (–429,204,000)

*Non-defense function* ................................................................. (1,045,368,000) (991,063,000) (900,348,000) (+ 145,020,000) (–90,715,000)

**Total** ..................................................................................................... (5,938,059,000) (6,977,799,000) (6,457,880,000) (+ 519,821,000) (–519,919,000)
ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–46—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Atomic Energy Defense Activities</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapons Activities</td>
<td>3,229,069,000</td>
<td>3,489,367,000</td>
<td>3,460,314,000</td>
<td>+231,245,000 –29,053,000</td>
</tr>
<tr>
<td>Defense Environmental Restoration and Waste Management</td>
<td>4,892,691,000</td>
<td>5,986,736,000</td>
<td>5,557,532,000</td>
<td>+664,841,000 –429,204,000</td>
</tr>
<tr>
<td>Other Defense Activities</td>
<td>1,834,657,000</td>
<td>1,423,127,000</td>
<td>1,373,212,000</td>
<td>–461,445,000 –49,915,000</td>
</tr>
<tr>
<td>Defense Nuclear Waste Disposal</td>
<td>129,430,000</td>
<td>198,053,000</td>
<td>248,400,000</td>
<td>+118,970,000 +50,347,000</td>
</tr>
<tr>
<td>Total, Atomic Energy Defense Activities</td>
<td>10,085,847,000</td>
<td>11,097,283,000</td>
<td>10,639,458,000</td>
<td>+553,611,000 –457,825,000</td>
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<tr>
<td>Departmental Administration</td>
<td>387,312,000</td>
<td>423,135,000</td>
<td>366,697,000</td>
<td>–20,615,000 –56,438,000</td>
</tr>
<tr>
<td>Miscellaneous revenues</td>
<td>–161,490,000</td>
<td>–137,306,000</td>
<td>–122,306,000</td>
<td>+39,184,000 +15,000,000</td>
</tr>
<tr>
<td>Net appropriation</td>
<td>225,822,000</td>
<td>285,829,000</td>
<td>244,391,000</td>
<td>+18,569,000 –41,438,000</td>
</tr>
</tbody>
</table>

| Power Marketing Administrations |                        |                                  |                            |                           |
| Operation and maintenance, Alaska Power Administration | 6,494,000 | 4,260,000 | 4,260,000 | –2,234,000 |
| Operation and maintenance,Southeastern Power Administration | 22,431,000 | 19,829,000 | 19,843,000 | –2,588,000 +14,000 |
| Operation and maintenance, Southwestern Power Administration | 21,316,000 | 29,636,000 | 29,778,000 | +8,462,000 +142,000 |
| Construction, rehabilitation, operation and maintenance, Western Area Power Administration | 192,285,000 | 282,759,000 | 257,652,000 | +65,367,000 –25,107,000 |
| (By transfer, permanent authority) | (7,472,000) | (4,556,000) | (4,556,000) | –2,916,000 |
| Falcon and Amistad operating and maintenance fund | 1,000,000 | 1,000,000 | 1,000,000 | +1,000,000 |
| Total, Power Marketing Administrations | 242,526,000 | 337,484,000 | 312,533,000 | +70,007,000 –24,951,000 |

| Federal Energy Regulatory Commission |                        |                                  |                            |                           |
| Salaries and expenses              | 166,173,000             | 136,567,000                      | 131,290,000                | –34,883,000 –5,277,000    |
| Revenues Applied                   | –166,173,000            | –136,567,000                     | –131,290,000               | +34,883,000 +5,277,000    |
| Total, title III, Department of Energy | 15,562,676,000 | 16,447,857,000 | 15,389,490,000 | –173,186,000 –1,058,367,000 |
| (By transfer)                      | (7,472,000) | (4,556,000) | (4,556,000) | –2,916,000 |

| Title IV                           |                        |                                  |                            |                           |
| Independent Agencies              |                        |                                  |                            |                           |
| Appalachian Regional Commission   | 272,000,000             | 183,000,000                      | 170,000,000                | –102,000,000 –13,000,000  |
| Defense Nuclear Facilities Safety Board | 17,933,000 | 18,500,000 | 17,000,000 | –933,000 –1,500,000 |

937
<table>
<thead>
<tr>
<th>Delaware River Basin Commission:</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>343,000</td>
<td>353,000</td>
<td>343,000</td>
<td>−10,000</td>
<td>−123,000</td>
<td>−133,000</td>
</tr>
<tr>
<td>Contribution to Delaware River Basin Commission</td>
<td>478,000</td>
<td>551,000</td>
<td>428,000</td>
<td>−50,000</td>
<td>−123,000</td>
<td>−133,000</td>
</tr>
<tr>
<td>Total</td>
<td>821,000</td>
<td>904,000</td>
<td>771,000</td>
<td>−50,000</td>
<td>−133,000</td>
<td>−133,000</td>
</tr>
<tr>
<td>Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin</td>
<td>511,000</td>
<td>524,000</td>
<td>511,000</td>
<td>−13,000</td>
<td>−13,000</td>
<td>−13,000</td>
</tr>
<tr>
<td>Nuclear Regulatory Commission:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>520,501,000</td>
<td>520,300,000</td>
<td>468,300,000</td>
<td>−52,201,000</td>
<td>−52,000,000</td>
<td>−52,000,000</td>
</tr>
<tr>
<td>Revenues</td>
<td>−498,501,000</td>
<td>−498,300,000</td>
<td>−457,300,000</td>
<td>+41,201,000</td>
<td>+41,000,000</td>
<td>+41,000,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>22,000,000</td>
<td>22,000,000</td>
<td>11,000,000</td>
<td>−11,000,000</td>
<td>−11,000,000</td>
<td>−11,000,000</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>5,080,000</td>
<td>5,500,000</td>
<td>5,000,000</td>
<td>−80,000</td>
<td>−50,000</td>
<td>−50,000</td>
</tr>
<tr>
<td>Revenues</td>
<td>−5,080,000</td>
<td>−5,500,000</td>
<td>−5,000,000</td>
<td>+80,000</td>
<td>+50,000</td>
<td>+50,000</td>
</tr>
<tr>
<td>Total</td>
<td>22,000,000</td>
<td>22,000,000</td>
<td>11,000,000</td>
<td>−11,000,000</td>
<td>−11,000,000</td>
<td>−11,000,000</td>
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<tr>
<td>Nuclear Waste Technical Review Board</td>
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<td>2,970,000</td>
<td>2,531,000</td>
<td>−133,000</td>
<td>−439,000</td>
<td>−439,000</td>
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<tr>
<td>Susquehanna River Basin Commission:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>318,000</td>
<td>332,000</td>
<td>318,000</td>
<td>−14,000</td>
<td>−110,000</td>
<td>−124,000</td>
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<td>Contribution to Susquehanna River Basin Commission</td>
<td>288,000</td>
<td>360,000</td>
<td>250,000</td>
<td>−38,000</td>
<td>−110,000</td>
<td>−124,000</td>
</tr>
<tr>
<td>Total</td>
<td>606,000</td>
<td>692,000</td>
<td>568,000</td>
<td>−38,000</td>
<td>−124,000</td>
<td>−124,000</td>
</tr>
<tr>
<td>Tennessee Valley Authority: Tennessee Valley Authority Fund</td>
<td>137,873,000</td>
<td>140,473,000</td>
<td>109,169,000</td>
<td>−28,704,000</td>
<td>−31,304,000</td>
<td>−31,304,000</td>
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<tr>
<td>Office of the Nuclear Waste Negotiator</td>
<td>1,000,000</td>
<td></td>
<td>1,000,000</td>
<td>−1,000,000</td>
<td>−1,000,000</td>
<td>−1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>138,873,000</td>
<td>141,473,000</td>
<td>109,169,000</td>
<td>−28,704,000</td>
<td>−31,304,000</td>
<td>−31,304,000</td>
</tr>
<tr>
<td>Total, title IV, Independent agencies</td>
<td>455,408,000</td>
<td>369,063,000</td>
<td>311,550,000</td>
<td>−143,858,000</td>
<td>−57,513,000</td>
<td>−57,513,000</td>
</tr>
<tr>
<td>Total appropriations</td>
<td>20,225,594,000</td>
<td>20,957,387,000</td>
<td>19,746,654,000</td>
<td>−478,940,000</td>
<td>−1,210,733,000</td>
<td>−1,210,733,000</td>
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</tbody>
</table>
### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–46—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Other adjustments affecting the bill: Travel cut (Public Law 104–19)</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>– 16,000,000</td>
<td>20,209,594,000</td>
<td>19,746,654,000</td>
<td>+ 16,000,000</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>12,607,000</td>
<td>9,839,000</td>
<td>9,839,000</td>
<td>– 2,768,000</td>
</tr>
<tr>
<td>(Limitation on direct loans)</td>
<td>23,000,000</td>
<td>37,000,000</td>
<td>37,000,000</td>
<td>+ 14,000,000</td>
</tr>
<tr>
<td>Grand total</td>
<td>..........................................................</td>
<td>20,957,387,000</td>
<td>19,746,654,000</td>
<td>– 462,940,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>20,957,387,000</td>
<td>19,746,654,000</td>
<td>– 1,210,733,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>(12,607,000)</td>
<td>(9,839,000)</td>
<td>– 2,768,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>(23,000,000)</td>
<td>(37,000,000)</td>
<td>– 14,000,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>20,209,594,000</td>
<td>19,746,654,000</td>
<td>– 462,940,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>19,746,654,000</td>
<td>19,746,654,000</td>
<td>– 1,210,733,000</td>
</tr>
<tr>
<td></td>
<td>..........................................................</td>
<td>– 16,000,000</td>
<td>– 16,000,000</td>
<td>+ 16,000,000</td>
</tr>
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<td>..........................................................</td>
<td>+ 16,000,000</td>
<td>+ 16,000,000</td>
<td>+ 16,000,000</td>
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</tbody>
</table>

Includes the following budget amendments:

- **H. Doc. 104–39:**
  - Department of Energy:
    - Atomic Energy Defense Activities: Weapons activities ............................... – $25,000,000
    - Energy Programs: Energy supply, R&D activities ........................................ – 109,500,000
  - Defense environmental restoration and waste management .................................... – 9,032,000
  - Defense nuclear waste disposal ................................................................. – 347,000

- **H. Doc. 104–100:**
  - Department of Energy:
    - Atomic Energy Defense Activities: Weapons activities .................................. – 50,808,000
  - Office of the Inspector General .................................................................. – 302,000

- **H. Doc. 104–110:**
  - Department of Energy:
    - Atomic Energy Defense Activities: Non-Weapons activities .............................. – 348,912,000
  - Office of the Inspector General .................................................................. – 302,000

- **H. Doc. 104–7:**
  - Department of Energy:
    - Atomic Energy Defense Activities: Non-Weapons activities .............................. – 348,912,000
  - Office of the Inspector General .................................................................. – 302,000
FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–107

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td>TITLE I—EXPORT AND INVESTMENT ASSISTANCE</td>
<td>Export-Import Bank of the United States</td>
<td>Limitation of Program Activity:</td>
<td></td>
</tr>
<tr>
<td>Subsidy appropriation</td>
<td>786,551,000</td>
<td>823,000,000</td>
<td>786,551,000</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td>45,228,000</td>
<td>47,000,000</td>
<td>45,614,000</td>
</tr>
<tr>
<td>Negative subsidy</td>
<td>−49,656,000</td>
<td>−89,646,000</td>
<td>−89,646,000</td>
</tr>
<tr>
<td>Total, Export-Import Bank of the United States</td>
<td>782,123,000</td>
<td>780,354,000</td>
<td>742,519,000</td>
</tr>
</tbody>
</table>

OVERSEAS PRIVATE INVESTMENT CORPORATION

Noncredit account:

<table>
<thead>
<tr>
<th></th>
<th>7,933,000</th>
<th>16,000,000</th>
<th>15,000,000</th>
<th>+7,067,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative expenses</td>
<td>16,389,000</td>
<td>11,000,000</td>
<td>11,000,000</td>
<td>−5,389,000</td>
</tr>
</tbody>
</table>

Subtotal                                      | 24,322,000 | 27,000,000 | 26,000,000 | +1,678,000 |

Insurance fees and other offsetting collections | −151,620,000 | −202,500,000 | −202,500,000 | −50,880,000 |

Program account:

Direct loans:

<table>
<thead>
<tr>
<th>Loan subsidy (Loan authorization)</th>
<th>8,214,000</th>
<th>4,000,000</th>
<th>4,000,000</th>
<th>−4,214,000</th>
</tr>
</thead>
</table>

Guaranteed loans:

<table>
<thead>
<tr>
<th>Loan subsidy (Loan authorization)</th>
<th>25,730,000</th>
<th>75,000,000</th>
<th>68,000,000</th>
<th>+42,270,000</th>
</tr>
</thead>
</table>

Subtotal, Program account                           | 33,944,000 | 79,000,000 | 72,000,000 | +38,056,000 |

Total, Overseas Private Investment Corporation                | −93,354,000 | −96,500,000 | −104,500,000 | −11,146,000 |

Funds Appropriated to the President

Trade and Development Agency

<table>
<thead>
<tr>
<th>Trade and development agency</th>
<th>40,986,000</th>
<th>67,000,000</th>
<th>40,000,000</th>
<th>−986,000</th>
</tr>
</thead>
</table>

Total, title I, Export and investment assistance (Direct loan authorizations) | 729,755,000 | 750,854,000 | 678,019,000 | −51,736,000 |

FOREIGN OPERATIONS, 1996
FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–107—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>(Guaranteed loan authorizations)</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td>(481,913,000)</td>
<td>(1,491,054,000)</td>
<td>(1,351,900,000)</td>
<td>(+ 869,987,000)</td>
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<td></td>
<td></td>
<td></td>
<td>(− 139,154,000)</td>
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TITLE II—BILATERAL ECONOMIC ASSISTANCE
Funds Appropriated to the President
Agency for International Development

<table>
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<tr>
<th>Development assistance</th>
<th>799,200,000</th>
<th>1,300,000,000</th>
<th>1,675,000,000</th>
<th>+ 875,800,000</th>
<th>+ 375,000,000</th>
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<tr>
<td>Population, development assistance</td>
<td>431,000,000</td>
<td>802,000,000</td>
<td>181,000,000</td>
<td>− 781,000,000</td>
<td>− 802,000,000</td>
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<tr>
<td>Development Fund for Africa</td>
<td>781,000,000</td>
<td>802,000,000</td>
<td>181,000,000</td>
<td>+ 11,002,000</td>
<td>− 19,000,000</td>
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<tr>
<td>International disaster assistance</td>
<td>169,998,000</td>
<td>200,000,000</td>
<td>181,000,000</td>
<td>+ 3,000,000</td>
<td>− 15,000,000</td>
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<tr>
<td>Debt restructuring</td>
<td>7,000,000</td>
<td>25,500,000</td>
<td>10,000,000</td>
<td>+ 3,000,000</td>
<td>− 15,000,000</td>
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<td>Debt restructuring under the Enterprise for the Americas Initiative (rescission)</td>
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<td></td>
<td></td>
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<td>Micro and Small Enterprise Development program account:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subsidy appropriations</td>
<td>1,500,000</td>
<td>12,000,000</td>
<td>1,500,000</td>
<td></td>
<td>− 10,500,000</td>
</tr>
<tr>
<td>(Direct loan authorization)</td>
<td>(1,000,000)</td>
<td>(3,540,000)</td>
<td>(1,435,000)</td>
<td>(+ 435,000)</td>
<td>(− 2,105,000)</td>
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<tr>
<td>(Guaranteed loan authorization)</td>
<td>(18,564,000)</td>
<td>(138,880,000)</td>
<td>(16,700,000)</td>
<td>(− 1,864,000)</td>
<td>(− 122,180,000)</td>
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<td>Administrative expenses</td>
<td>500,000</td>
<td>2,500,000</td>
<td>500,000</td>
<td></td>
<td></td>
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<td>Housing guaranty program account:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Subsidy appropriations</td>
<td>19,300,000</td>
<td>16,760,000</td>
<td>4,000,000</td>
<td>− 15,300,000</td>
<td>− 12,760,000</td>
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<tr>
<td>Operating expenses</td>
<td>8,000,000</td>
<td>7,240,000</td>
<td>7,000,000</td>
<td>− 1,000,000</td>
<td>− 240,000</td>
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<tr>
<td>(Guaranteed loan authorization)</td>
<td>(137,474,000)</td>
<td>(141,886,000)</td>
<td>(33,700,000)</td>
<td>(− 103,774,000)</td>
<td>(− 108,186,000)</td>
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<td>Subtotal, development assistance</td>
<td>2,215,098,000</td>
<td>2,366,000,000</td>
<td>1,879,000,000</td>
<td>− 336,098,000</td>
<td>− 487,000,000</td>
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</tbody>
</table>

Payment to the Foreign Service Retirement and Disability Fund | 45,118,000 | 43,914,000 | 43,914,000 | − 1,204,000 | |

Operating expenses of the Agency for International Development | 515,500,000 | 529,000,000 | 465,750,000 | − 49,750,000 | − 63,250,000 |

Operating expenses of the Agency for International Development Office of Inspector General | 39,118,000 | 39,118,000 | 30,200,000 | − 8,918,000 | − 8,918,000 |

Subtotal, Agency for International Development | 2,814,834,000 | 2,978,032,000 | 2,418,864,000 | − 395,970,000 | − 559,168,000 |

OTHER BILATERAL ECONOMIC ASSISTANCE

Economic support fund | 2,324,000,000 | 2,494,300,000 | 2,340,000,000 | + 16,000,000 | − 154,300,000 |

International fund for Ireland | 19,600,000 | 19,600,000 | 19,600,000 | | + 19,600,000 |

Assistance for Eastern Europe and the Baltic States | 359,000,000 | 480,000,000 | 324,000,000 | − 35,000,000 | − 156,000,000 |

Assistance for the New Independent States of the former Soviet Union | 817,500,000 | 788,000,000 | 641,000,000 | − 176,500,000 | − 147,000,000 |
FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–107—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt restructuring: Debt relief for Jordan</td>
<td>275,000,000</td>
<td></td>
<td>−275,000,000</td>
<td>−98,000,000</td>
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<td>Procurement: General provisions</td>
<td>−1,598,000</td>
<td>+1,598,000</td>
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<td>Subtotal, Other Bilateral Economic Assistance</td>
<td>3,793,502,000</td>
<td>3,762,300,000</td>
<td>3,324,600,000</td>
<td>−468,902,000</td>
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<tr>
<td>Total, Agency for International Development</td>
<td>6,608,336,000</td>
<td>6,740,332,000</td>
<td>5,743,464,000</td>
<td>−996,868,000</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African Development Foundation</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Appropriations</td>
<td>16,905,000</td>
<td>17,405,000</td>
<td>−16,905,000</td>
<td>−17,405,000</td>
</tr>
<tr>
<td>Inter-American Foundation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>30,960,000</td>
<td>31,760,000</td>
<td>−30,960,000</td>
<td>−31,760,000</td>
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<tr>
<td>Total, Funds Appropriated to the President</td>
<td>6,656,201,000</td>
<td>6,789,497,000</td>
<td>5,743,464,000</td>
<td>−1,046,033,000</td>
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<td>Peace Corps</td>
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<td></td>
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<td>Appropriations</td>
<td>219,745,000</td>
<td>234,000,000</td>
<td>−14,745,000</td>
<td>−29,000,000</td>
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<td>Department of State</td>
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<tr>
<td>International narcotics control</td>
<td>105,000,000</td>
<td>213,000,000</td>
<td>115,000,000</td>
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<td>(By transfer)</td>
<td>(By transfer)</td>
<td>(By transfer)</td>
<td></td>
<td>(By transfer)</td>
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<tr>
<td>Migration and refugee assistance</td>
<td>671,000,000</td>
<td>671,000,000</td>
<td></td>
<td>+20,000,000</td>
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<tr>
<td>Refugee resettlement assistance</td>
<td>6,000,000</td>
<td>5,000,000</td>
<td>−1,000,000</td>
<td>+5,000,000</td>
</tr>
<tr>
<td>United States Emergency Refugee and Migration Assistance Fund</td>
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<td>50,000,000</td>
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<tr>
<td>Anti-terrorism assistance</td>
<td>15,244,000</td>
<td>15,000,000</td>
<td>+24,000,000</td>
<td>+1,000,000</td>
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<tr>
<td>Nonproliferation and Disarmament Fund</td>
<td>10,000,000</td>
<td>20,000,000</td>
<td>+10,000,000</td>
<td>−5,000,000</td>
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<tr>
<td>Total, Department of State</td>
<td>857,244,000</td>
<td>974,000,000</td>
<td>+19,756,000</td>
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<td>Total, title II, Bilateral economic assistance</td>
<td>7,733,190,000</td>
<td>7,997,497,000</td>
<td>6,825,464,000</td>
<td>−907,726,000</td>
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<tr>
<td>(By transfer)</td>
<td>(By transfer)</td>
<td>(By transfer)</td>
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<td>(By transfer)</td>
</tr>
<tr>
<td>(Direct loan authorizations)</td>
<td>(1,000,000)</td>
<td>(3,540,000)</td>
<td>(1,435,000)</td>
<td>(−210,000)</td>
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<tr>
<td>(Guaranteed loan authorizations)</td>
<td>(156,038,000)</td>
<td>(280,766,000)</td>
<td>(50,400,000)</td>
<td>(−230,366,000)</td>
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<td>TITLE III—MILITARY ASSISTANCE</td>
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</tr>
<tr>
<td>-------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funds Appropriated to the President</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>International Military Education and Training</td>
<td>25,500,000</td>
<td>39,781,000</td>
<td>39,000,000</td>
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<td>(By transfer)</td>
<td>(850,000)</td>
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<td></td>
<td>(-850,000)</td>
</tr>
<tr>
<td>Military to military contact</td>
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<td>-12,000,000</td>
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<td>Foreign Military Financing Program:</td>
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<td></td>
</tr>
<tr>
<td>Grants</td>
<td>3,151,279,000</td>
<td>3,262,020,000</td>
<td>3,208,390,000</td>
<td>+57,111,000</td>
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<tr>
<td>Direct concessional loans:</td>
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<td></td>
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<tr>
<td>Subsidy appropriations</td>
<td>47,917,000</td>
<td>89,888,000</td>
<td>64,400,000</td>
<td>+16,483,000</td>
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<tr>
<td>(Direct loan authorization)</td>
<td>(619,650,000)</td>
<td>(765,000,000)</td>
<td>(544,000,000)</td>
<td>(-75,650,000)</td>
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<td>FMF program level</td>
<td>(3,770,929,000)</td>
<td>(4,027,020,000)</td>
<td>(3,752,390,000)</td>
<td>(-18,539,000)</td>
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<td>Special Defense Acquisition Fund: Offsetting collections</td>
<td>-282,000,000</td>
<td>-220,000,000</td>
<td>-220,000,000</td>
<td>+62,000,000</td>
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<tr>
<td>Peacekeeping operations</td>
<td>72,000,000</td>
<td>100,000,000</td>
<td>70,000,000</td>
<td>-2,000,000</td>
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<tr>
<td>Total, Foreign military assistance</td>
<td>3,199,196,000</td>
<td>3,351,908,000</td>
<td>3,272,790,000</td>
<td>+73,594,000</td>
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<tr>
<td>Limitation on administrative expenses</td>
<td>(22,150,000)</td>
<td>(24,020,000)</td>
<td>(23,250,000)</td>
<td>(+1,100,000)</td>
</tr>
</tbody>
</table>

Total, Title III, Military assistance programs | 3,026,696,000 | 3,271,689,000 | 3,161,790,000 | +135,094,000 | -109,899,000 |
| (By transfer) | (850,000) | | | (-850,000) | |
| (Limitation on administrative expenses) | (22,150,000) | (24,020,000) | (23,250,000) | (+1,100,000) | (-770,000) |
| (Direct loan authorizations) | (619,650,000) | (765,000,000) | (544,000,000) | (-75,650,000) | (-221,000,000) |

<table>
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<tr>
<th>TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE</th>
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<tr>
<td>Funds Appropriated to the President</td>
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<tr>
<td>WORLD BANK GROUP</td>
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<tr>
<td>Contribution to the International Bank for Reconstruction and Development:</td>
</tr>
<tr>
<td>Paid-in capital</td>
</tr>
<tr>
<td>Contribution to the Global Environment Facility</td>
</tr>
<tr>
<td>(Limitation on callable capital subscriptions)</td>
</tr>
<tr>
<td>Contribution to the International Development Association</td>
</tr>
<tr>
<td>Contribution</td>
</tr>
<tr>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Contribution to the International Finance Corporation</td>
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<tr>
<td>Total, World Bank Group</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
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<tr>
<td>Contribution to the Inter-American Development Bank:</td>
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<tr>
<td>Inter-regional paid-in capital</td>
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<td>(Limitation on callable capital subscriptions)</td>
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<tr>
<td>Contribution to the Enterprise for the Americas Multilateral Investment Fund</td>
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<tr>
<td>Inter-American Investment Corporation</td>
</tr>
<tr>
<td>Total</td>
</tr>
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<td>Contribution to the Asian Development Bank:</td>
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<tr>
<td>Paid-in capital</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
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<td>Contribution to the Asian Development fund</td>
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<td>Total</td>
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<td>Contribution to the African Development Bank:</td>
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<td>Paid-in capital</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
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<tr>
<td>Total</td>
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<td>Contribution to the European Bank for Reconstructions and Development:</td>
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<tr>
<td>Paid-in capital</td>
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<td>(Limitation on callable capital subscriptions)</td>
</tr>
<tr>
<td>Total</td>
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FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–107—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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<td></td>
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<td></td>
<td>56,250,000</td>
<td>+ 56,250,000</td>
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<td>North American Development Bank:</td>
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<td>( + 318,750,000)</td>
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<td>(Limitation on callable capital subscriptions)</td>
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<tr>
<td>Total</td>
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<td></td>
<td>(375,000,000)</td>
<td>( + 375,000,000)</td>
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<td>INTERNATIONAL MONETARY FUND</td>
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<td>Contribution to the enhanced structural adjustment facility</td>
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<td>25,000,000</td>
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<tr>
<td>Total, contribution to International Financial Institutions</td>
<td>1,805,880,750</td>
<td>2,328,864,666</td>
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<td>− 652,617,081</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
<td>(2,501,915,458)</td>
<td>(3,592,988,735)</td>
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<td>( − 1,063,268,234)</td>
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<td></td>
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<tr>
<td>International organizations and programs</td>
<td>359,000,000</td>
<td>425,000,000</td>
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<td>(By transfer)</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
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<td>(30,000,000)</td>
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<tr>
<td>(By transfer)</td>
<td>(2,501,915,458)</td>
<td>(3,592,988,735)</td>
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<td>( − 1,063,268,234)</td>
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<tr>
<td>(Limitation on callable capital subscriptions)</td>
<td>(3,565,183,692)</td>
<td>(3,565,183,692)</td>
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<td>Total appropriations</td>
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<td>14,773,904,666</td>
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<td>14,773,904,666</td>
<td>12,103,536,669</td>
<td>− 2,670,367,997</td>
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<td>(By transfer)</td>
<td>(550,000)</td>
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<td>( + 49,150,000)</td>
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<tr>
<td>(Limitation on administrative expenses)</td>
<td>(22,150,000)</td>
<td>(24,020,000)</td>
<td>(23,250,000)</td>
<td>( + 1,100,000)</td>
</tr>
<tr>
<td>(Limitation on callable capital subscriptions)</td>
<td>(2,501,915,458)</td>
<td>(3,592,988,735)</td>
<td></td>
<td>( − 1,063,268,234)</td>
</tr>
<tr>
<td>(Direct loan authorizations)</td>
<td>(640,545,000)</td>
<td>(848,063,000)</td>
<td>(624,958,000)</td>
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<tr>
<td>(Guaranteed loan authorizations)</td>
<td>(637,951,000)</td>
<td>(1,771,820,000)</td>
<td>(1,402,300,000)</td>
<td>( + 764,349,000)</td>
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<td>Title and Fund Description</td>
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<td>Budget Estimates, Fiscal Year 1996</td>
<td>Appropriated, Fiscal Year 1996</td>
<td>Increase (+) or Decrease (−)</td>
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<tr>
<td>----------------------------</td>
<td>--------------------------</td>
<td>-----------------------------------</td>
<td>-----------------------------</td>
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<td>BUREAU OF LAND MANAGEMENT</td>
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<td>Management of lands and resources</td>
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<td>616,547,000</td>
<td>567,453,000</td>
<td>−29,783,000</td>
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<tr>
<td>Fire protection</td>
<td>114,748,000</td>
<td>114,763,000</td>
<td>−114,748,000</td>
<td>−114,763,000</td>
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<td>Emergency Department of the Interior firefighting fund</td>
<td>121,176,000</td>
<td>131,482,000</td>
<td>−121,176,000</td>
<td>−131,482,000</td>
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<tr>
<td>Wildland fire management</td>
<td></td>
<td>235,924,000</td>
<td>235,924,000</td>
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<tr>
<td>Central hazardous materials fund</td>
<td>13,409,000</td>
<td>14,024,000</td>
<td>10,000,000</td>
<td>3,409,000</td>
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<tr>
<td>Construction and access</td>
<td>12,068,000</td>
<td>3,019,000</td>
<td>3,115,000</td>
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<td>Payments in lieu of taxes</td>
<td>101,409,000</td>
<td>113,911,000</td>
<td>113,000,000</td>
<td>−1,957,000</td>
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<tr>
<td>Land acquisition</td>
<td>14,757,000</td>
<td>24,473,000</td>
<td>12,800,000</td>
<td>−11,673,000</td>
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<tr>
<td>Oregon and California grant lands</td>
<td>97,364,000</td>
<td>112,752,000</td>
<td>97,452,000</td>
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<tr>
<td>Range improvements (indefinite)</td>
<td>10,350,000</td>
<td>9,113,000</td>
<td>9,113,000</td>
<td>−1,237,000</td>
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<tr>
<td>Service charges, deposits, and forfeitures (indefinite)</td>
<td>8,883,000</td>
<td>8,993,000</td>
<td>8,993,000</td>
<td>+110,000</td>
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<td>Miscellaneous trust funds (indefinite)</td>
<td>7,605,000</td>
<td>7,605,000</td>
<td>7,605,000</td>
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<tr>
<td>Total, Bureau of Land Management</td>
<td>1,099,005,000</td>
<td>1,156,682,000</td>
<td>1,065,955,000</td>
<td>−33,050,000</td>
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<tr>
<td>UNITED STATES FISH AND WILDLIFE SERVICE</td>
<td></td>
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<td></td>
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<tr>
<td>Resource management</td>
<td>511,334,000</td>
<td>535,018,000</td>
<td>501,010,000</td>
<td>−10,324,000</td>
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<td>Construction</td>
<td>53,768,000</td>
<td>34,095,000</td>
<td>37,655,000</td>
<td>−16,113,000</td>
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<td>Natural resource damage assessment fund</td>
<td>6,687,000</td>
<td>6,700,000</td>
<td>4,000,000</td>
<td>−2,687,000</td>
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<tr>
<td>Land acquisition</td>
<td>67,141,000</td>
<td>62,912,000</td>
<td>36,900,000</td>
<td>−30,241,000</td>
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<tr>
<td>Cooperative endangered species conservation fund</td>
<td>8,983,000</td>
<td>8,085,000</td>
<td>8,085,000</td>
<td>−898,000</td>
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<tr>
<td>National wildlife refuge fund</td>
<td>11,977,000</td>
<td>11,371,000</td>
<td>10,779,000</td>
<td>−1,198,000</td>
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<tr>
<td>Rewards and operations</td>
<td>1,167,000</td>
<td>1,169,000</td>
<td>600,000</td>
<td>−567,000</td>
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<tr>
<td>North American wetlands conservation fund</td>
<td>8,983,000</td>
<td>6,750,000</td>
<td>6,750,000</td>
<td>−2,235,000</td>
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<tr>
<td>Lahontan Valley and Pyramid Lake Fish and Wildlife Fund (indefinite)</td>
<td>152,000</td>
<td>152,000</td>
<td>+152,000</td>
<td>+152,000</td>
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<tr>
<td>Wildlife Conservation and Appreciation Fund</td>
<td>998,000</td>
<td>800,000</td>
<td>800,000</td>
<td>−198,000</td>
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<td>Total, United States Fish and Wildlife Service</td>
<td>671,038,000</td>
<td>702,817,000</td>
<td>606,931,000</td>
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<td>NATURAL RESOURCES SCIENCE AGENCY</td>
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<td></td>
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<td>Research, inventories, and surveys</td>
<td>162,041,000</td>
<td>172,696,000</td>
<td>172,696,000</td>
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<td>NATIONAL PARK SERVICE</td>
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<td></td>
<td></td>
<td></td>
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<td>Operation of the national park system</td>
<td>1,077,900,000</td>
<td>1,157,738,000</td>
<td>1,082,481,000</td>
<td>+4,581,000</td>
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-134—Continued

[Amounts in dollars]

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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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<tbody>
<tr>
<td></td>
<td></td>
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<td>Appropriated versus enacted</td>
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<td>National recreation and preservation</td>
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<td>Historic preservation fund</td>
<td>41,421,000</td>
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<td>C&amp;O Canal (Public Law 104-99)</td>
<td>– 6,000</td>
<td>– 2,300,000</td>
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<td>Land and water conservation fund (rescission of contract authority)</td>
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<td>– 30,000,000</td>
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<td>Land acquisition and state assistance</td>
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<td>Crime Trust Fund</td>
<td>15,200,000</td>
<td>15,200,000</td>
<td>15,200,000</td>
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<td>1,387,329,000</td>
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<td>1,320,667,000</td>
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<td>U.S. GEOLOGICAL SURVEY</td>
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<td>Surveys, investigations, and research</td>
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<td>586,369,000</td>
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<td>Offsetting collections canceled</td>
<td>– 545,000</td>
<td>– 545,000</td>
<td>– 545,000</td>
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<td>MINERALS MANAGEMENT SERVICE</td>
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<td>Royalty and offshore minerals management</td>
<td>188,181,000</td>
<td>193,348,000</td>
<td>182,555,000</td>
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<tr>
<td>Oil spill research</td>
<td>6,440,000</td>
<td>7,892,000</td>
<td>6,440,000</td>
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<td>Total, Minerals Management Service</td>
<td>194,621,000</td>
<td>201,240,000</td>
<td>188,995,000</td>
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<td>BUREAU OF MINES</td>
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<td>Mines and minerals</td>
<td>152,427,000</td>
<td>132,507,000</td>
<td>64,000,000</td>
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<td>OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT</td>
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<td></td>
<td></td>
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<tr>
<td>Regulation and technology</td>
<td>109,795,000</td>
<td>107,152,000</td>
<td>95,470,000</td>
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<td>Receipts from performance bond forfeitures (indefinite)</td>
<td>1,189,000</td>
<td>501,000</td>
<td>500,000</td>
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<td>Subtotal</td>
<td>110,984,000</td>
<td>107,653,000</td>
<td>95,970,000</td>
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<td>Abandoned mine reclamation fund (definite, trust fund)</td>
<td>182,423,000</td>
<td>185,120,000</td>
<td>173,887,000</td>
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<td>Total, Office of Surface Mining Reclamation and Enforcement</td>
<td>293,407,000</td>
<td>292,773,000</td>
<td>269,857,000</td>
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<td>BUREAU OF INDIAN AFFAIRS</td>
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<td>Operation of Indian programs</td>
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<td>1,384,434,000</td>
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<td>Construction</td>
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<td>Indians</td>
<td>77,096,000</td>
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<td>80,645,000</td>
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
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<td>Navajo rehabilitation trust fund</td>
<td>1,996,000</td>
<td>1,996,000</td>
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<td>1,966,000</td>
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<td>Indian direct loan program account</td>
<td>779,000</td>
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<td>−779,000</td>
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<tr>
<td>(Limitation on direct loans)</td>
<td>(10,890,000)</td>
<td>(10,890,000)</td>
<td>(−10,890,000)</td>
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<tr>
<td>Indian guaranteed loan program account</td>
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<td>−4,671,000</td>
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<tr>
<td>(Limitation on guaranteed loans)</td>
<td>(46,900,000)</td>
<td>(46,900,000)</td>
<td>(−46,900,000)</td>
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<tr>
<td>Subtotal</td>
<td>1,730,970,000</td>
<td>1,571,412,000</td>
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<tr>
<td>Assistance to territories</td>
<td>50,481,000</td>
<td>37,468,000</td>
<td>−13,013,000</td>
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<tr>
<td>Northern Mariana Islands Covenant</td>
<td>27,720,000</td>
<td>27,720,000</td>
<td>0</td>
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<tr>
<td>Subtotal</td>
<td>78,201,000</td>
<td>65,188,000</td>
<td>−19,800,000</td>
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<tr>
<td>Trust Territory of the Pacific Islands</td>
<td>19,800,000</td>
<td>10,038,000</td>
<td>−9,762,000</td>
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<tr>
<td>Compact of Free Association</td>
<td>13,574,000</td>
<td>10,038,000</td>
<td>−3,536,000</td>
</tr>
<tr>
<td>Mandatory payments</td>
<td>10,000,000</td>
<td>14,900,000</td>
<td>+4,900,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>23,574,000</td>
<td>24,938,000</td>
<td>+1,364,000</td>
</tr>
<tr>
<td>Total, Territorial and International Affairs</td>
<td>121,575,000</td>
<td>90,126,000</td>
<td>−31,449,000</td>
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### DEPARTMENTAL OFFICES

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
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<td>Departmental management</td>
<td>62,479,000</td>
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<td>Office of the Solicitor</td>
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<td>34,427,000</td>
<td>−181,000</td>
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<td>Office of Inspector General</td>
<td>23,939,000</td>
<td>23,939,000</td>
<td>0</td>
</tr>
<tr>
<td>Construction Management</td>
<td>1,996,000</td>
<td>500,000</td>
<td>−1,496,000</td>
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<td>National Indian Gaming Commission</td>
<td>1,000,000</td>
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</tr>
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<td>Office of Special Trustee for American Indians</td>
<td>16,338,000</td>
<td>16,338,000</td>
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<tr>
<td>Subtotal</td>
<td>122,840,000</td>
<td>133,116,000</td>
<td>+10,276,000</td>
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</table>

### GENERAL PROVISIONS

| Helium fund—procurement reform | −38,000                          | +38,000                         |

### TERRITORIAL AND INTERNATIONAL AFFAIRS

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<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Appropriated versus enacted</td>
<td>Appropriated versus estimates</td>
<td></td>
</tr>
<tr>
<td>Assistance to territories</td>
<td>50,481,000</td>
<td>37,468,000</td>
<td>−13,013,000</td>
</tr>
<tr>
<td>Northern Mariana Islands Covenant</td>
<td>27,720,000</td>
<td>27,720,000</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>78,201,000</td>
<td>65,188,000</td>
<td>−13,013,000</td>
</tr>
<tr>
<td>Trust Territory of the Pacific Islands</td>
<td>19,800,000</td>
<td>−19,800,000</td>
<td></td>
</tr>
<tr>
<td>Compact of Free Association</td>
<td>13,574,000</td>
<td>10,038,000</td>
<td>−3,536,000</td>
</tr>
<tr>
<td>Mandatory payments</td>
<td>10,000,000</td>
<td>+4,900,000</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>23,574,000</td>
<td>24,938,000</td>
<td>+1,364,000</td>
</tr>
<tr>
<td>Total, Territorial and International Affairs</td>
<td>121,575,000</td>
<td>90,126,000</td>
<td>−31,449,000</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-134—Continued

[Amounts in dollars]

| Net total, title I, Department of the Interior | 6,506,132,000 | 6,855,935,000 | 6,041,222,000 | -464,910,000 | -814,713,000 |
| Increase (−) or decrease (+) | Appropriated versus enacted | Appropriated versus estimates |
| --- | --- | --- | --- | --- | --- |
| Appropriations | (6,536,132,000) | (6,870,735,000) | (6,071,222,000) | -464,910,000 | -799,513,000 |
| Rescission | (− 30,000,000) | (− 30,000,000) | (− 30,000,000) | | |
| Crime trust fund (Limitation on direct loans) | (10,890,000) | (15,200,000) | (10,890,000) | (− 15,200,000) | |
| (Limitation on guaranteed loans) | (46,900,000) | (70,100,000) | (35,914,000) | (− 10,986,000) | (− 34,186,000) |

### TITLE II—RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

**FOREST SERVICE**

| Forest research | 193,748,000 | 203,796,000 | 178,000,000 | −15,748,000 | −25,796,000 |
| State and private forestry | 154,268,000 | 187,459,000 | 136,884,000 | −17,384,000 | −50,575,000 |
| Emergency pest suppression fund | 17,000,000 | | | | |
| International forestry | 4,987,000 | 10,000,000 | 7,000,000 | −3,000,000 | −10,000,000 |
| National forest system | 1,328,939,000 | 1,348,755,000 | 1,257,057,000 | −71,836,000 | −91,698,000 |
| Forest Service fire protection | 159,285,000 | 164,285,000 | 159,285,000 | | |
| Emergency Forest Service firefighting fund | 226,200,000 | 239,000,000 | 226,200,000 | | |
| Emergency appropriations | 450,000,000 | | | | |
| Wildland Fire Management | | | | | |
| Construction | 199,215,000 | 192,338,000 | 163,600,000 | −35,615,000 | −28,738,000 |
| Timber receipts transfer to general fund (indefinite) | (− 44,769,000) | (− 44,548,000) | (− 44,548,000) | (−221,000) | |
| Timber purchaser credits | (50,000,000) | (50,000,000) | (50,000,000) | | |
| Land acquisition | 63,882,000 | 65,311,000 | 39,400,000 | −24,482,000 | −25,911,000 |
| Acquisition of lands for national forests special acts | 1,250,000 | 1,317,000 | 1,069,000 | −181,000 | −248,000 |
| Acquisition of lands to complete land exchanges (indefinite) | 210,000 | 210,000 | 210,000 | | |
| Range betterment fund (indefinite) | 4,575,000 | 3,976,000 | 3,976,000 | −599,000 | |
| Gifts, donations and bequests for forest and rangeland research | 89,000 | 92,000 | 92,000 | +3,000 | |
| Southeast Alaska Economic Disaster Fund | | | | | |
| Total, Forest Service | 2,803,602,000 | 2,416,539,000 | 2,275,773,000 | −527,829,000 | −140,766,000* |

### DEPARTMENT OF ENERGY

**Clean coal technology**

| 337,879,000 | 155,019,000 | +337,879,000 | +155,019,000 |

**Fossil energy research and development**

| 423,701,000 | 436,508,000 | 417,018,000 | −19,490,000 |

**Alternative fuels production (indefinite)**

| 3,900,000 | 2,400,000 | 2,400,000 | +1,500,000 |

**[Amounts in dollars]**

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<td>Naval petroleum and oil shale reserves</td>
<td>187,048,000</td>
<td>101,028,000</td>
<td>148,786,000</td>
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<td>Energy conservation</td>
<td>755,751,000</td>
<td>923,561,000</td>
<td>553,189,000</td>
<td>−202,562,000</td>
<td>−370,372,000</td>
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<tr>
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<td>−16,000,000</td>
<td>−16,000,000</td>
<td>−16,000,000</td>
<td>−16,000,000</td>
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<td>Economic regulation</td>
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<td>Emergency preparedness</td>
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<td>8,219,000</td>
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<td>−8,219,000</td>
<td>−8,219,000</td>
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<tr>
<td>Strategic Petroleum Reserve (By transfer)</td>
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<td>25,689,000</td>
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<td>−25,689,000</td>
<td>−25,689,000</td>
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<td>Energy Information Administration</td>
<td>84,566,000</td>
<td>84,689,000</td>
<td>72,266,000</td>
<td>−12,300,000</td>
<td>−12,423,000</td>
</tr>
<tr>
<td>Total, Department of Energy</td>
<td>1,265,887,000</td>
<td>1,416,775,000</td>
<td>1,179,156,000</td>
<td>−86,731,000</td>
<td>−237,619,000</td>
</tr>
</tbody>
</table>

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Indian Health Service**

| Indian health services | 1,709,780,000 | 1,816,350,000 | 1,747,842,000 | +38,062,000 | −68,508,000 |
| Indian health facilities | 253,282,000 | 242,672,000 | 238,958,000 | −6,214,000 | −3,714,000 |
| Total, Indian Health Service | 1,963,062,000 | 2,059,022,000 | 1,986,800,000 | +23,738,000 | −72,222,000 |

### DEPARTMENT OF EDUCATION

**Office of Elementary and Secondary Education**

| Indian education | 81,341,000 | 84,785,000 | 52,500,000 | −28,841,000 | −32,285,000 |

### Other Related Agencies

**Office of Navajo and Hopi Indian Relocation**

| Salaries and expenses | 24,888,000 | 26,345,000 | 20,345,000 | −4,543,000 | −6,000,000 |

**Institute of American Indian and Alaska Native Culture and Arts Development**

| Payment to the Institute | 11,213,000 | 19,846,000 | 5,500,000 | −5,713,000 | −14,346,000 |

**Smithsonian Institution**

<p>| Salaries and expenses | 313,853,000 | 329,800,000 | 311,188,000 | −2,665,000 | −18,612,000 |
| Construction and improvements, National Zoological Park | 3,042,000 | 4,950,000 | 3,250,000 | +208,000 | −1,700,000 |
| Repair and restoration of buildings | 23,954,000 | 34,000,000 | 33,954,000 | +10,000,000 | −46,000 |
| Construction | 21,837,000 | 38,700,000 | 27,700,000 | +5,843,000 | −11,000,000 |
| Total, Smithsonian Institution | 362,706,000 | 407,450,000 | 376,092,000 | +13,386,000 | −31,358,000 |</p>
<table>
<thead>
<tr>
<th>Agency</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NATIONAL GALLERY OF ART</strong></td>
<td>52,902,000</td>
<td>54,566,000</td>
<td>51,844,000</td>
<td>− 1,058,000</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td></td>
<td></td>
<td></td>
<td>− 2,722,000</td>
</tr>
<tr>
<td>Repair, restoration and renovation of buildings</td>
<td>4,016,000</td>
<td>9,885,000</td>
<td>6,442,000</td>
<td>+ 2,426,000</td>
</tr>
<tr>
<td>Total, National Gallery of Art</td>
<td>56,918,000</td>
<td>64,451,000</td>
<td>58,286,000</td>
<td>+ 1,368,000</td>
</tr>
<tr>
<td><strong>JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and maintenance</td>
<td>10,323,000</td>
<td>10,373,000</td>
<td>10,323,000</td>
<td>− 50,000</td>
</tr>
<tr>
<td>Construction</td>
<td>8,983,000</td>
<td>9,000,000</td>
<td>8,983,000</td>
<td>− 17,000</td>
</tr>
<tr>
<td>Total</td>
<td>19,306,000</td>
<td>19,373,000</td>
<td>19,306,000</td>
<td>− 67,000</td>
</tr>
<tr>
<td><strong>WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS</strong></td>
<td>8,878,000</td>
<td>10,070,000</td>
<td>5,840,000</td>
<td>− 3,038,000</td>
</tr>
<tr>
<td><strong>NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NATIONAL ENDOWMENT FOR THE ARTS</strong></td>
<td>133,846,000</td>
<td>143,675,000</td>
<td>82,259,000</td>
<td>− 51,587,000</td>
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<tr>
<td>Grants and administration</td>
<td>28,512,000</td>
<td>28,725,000</td>
<td>17,235,000</td>
<td>− 11,277,000</td>
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<tr>
<td><strong>NATIONAL ENDOWMENT FOR THE HUMANITIES</strong></td>
<td>162,358,000</td>
<td>172,400,000</td>
<td>99,494,000</td>
<td>− 62,864,000</td>
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<tr>
<td>Grants and administration</td>
<td>146,131,000</td>
<td>156,087,000</td>
<td>94,000,000</td>
<td>− 52,131,000</td>
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<tr>
<td>Matching grants</td>
<td>25,913,000</td>
<td>25,913,000</td>
<td>16,000,000</td>
<td>− 9,913,000</td>
</tr>
<tr>
<td><strong>INSTITUTE OF MUSEUM SERVICES</strong></td>
<td>172,044,000</td>
<td>182,000,000</td>
<td>110,000,000</td>
<td>− 62,044,000</td>
</tr>
<tr>
<td>Grants and administration</td>
<td>28,715,000</td>
<td>29,800,000</td>
<td>21,000,000</td>
<td>− 7,715,000</td>
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<tr>
<td><strong>COMMISSION OF FINE ARTS</strong></td>
<td>363,117,000</td>
<td>384,200,000</td>
<td>230,494,000</td>
<td>− 132,623,000</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>834,000</td>
<td>879,000</td>
<td>834,000</td>
<td>− 45,000</td>
</tr>
<tr>
<td><strong>NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS</strong></td>
<td>7,500,000</td>
<td>6,941,000</td>
<td>6,000,000</td>
<td>− 1,500,000</td>
</tr>
<tr>
<td>Grants</td>
<td></td>
<td></td>
<td></td>
<td>− 941,000</td>
</tr>
</tbody>
</table>
### Advisory Council on Historic Preservation

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>2,947,000</td>
<td>3,063,000</td>
<td>2,500,000</td>
<td>−447,000 −563,000</td>
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</table>

### National Capital Planning Commission

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>5,655,000</td>
<td>6,000,000</td>
<td>5,090,000</td>
<td>−565,000 −910,000</td>
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</tbody>
</table>

### Franklin Delano Roosevelt Memorial Commission

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>48,000</td>
<td>147,000</td>
<td>147,000</td>
<td>+99,000</td>
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</table>

### Pennsylvania Avenue Development Corporation

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>2,738,000</td>
<td>3,043,000</td>
<td>2,445,000</td>
<td>−2,738,000 −3,043,000</td>
</tr>
<tr>
<td>Public development</td>
<td>4,084,000</td>
<td>2,445,000</td>
<td>4,084,000</td>
<td>−2,445,000</td>
</tr>
<tr>
<td>Land acquisition and development fund</td>
<td>1,388,000</td>
<td>1,388,000</td>
<td>1,388,000</td>
<td>−1,388,000</td>
</tr>
<tr>
<td>Total</td>
<td>6,822,000</td>
<td>6,876,000</td>
<td>6,822,000</td>
<td>−6,822,000 −6,876,000</td>
</tr>
</tbody>
</table>

### United States Holocaust Memorial Council

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holocaust Memorial Council</td>
<td>26,609,000</td>
<td>28,707,000</td>
<td>28,707,000</td>
<td>+2,098,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, other related agencies</td>
<td>897,441,000</td>
<td>984,348,000</td>
<td>759,141,000</td>
<td>−138,300,000 −225,207,000</td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, title II, Related Agencies</td>
<td>7,011,333,000</td>
<td>6,961,469,000</td>
<td>6,253,370,000</td>
<td>−757,963,000 −708,099,000</td>
</tr>
<tr>
<td>(Timber receipts transfer to general fund, indefinite)</td>
<td>(−44,769,000)</td>
<td>(−44,548,000)</td>
<td>(−44,548,000)</td>
<td>(+221,000)</td>
</tr>
<tr>
<td>(Timber purchaser credits)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
<td>(50,000,000)</td>
<td></td>
</tr>
<tr>
<td>Net total appropriations</td>
<td>13,517,465,000</td>
<td>13,817,404,000</td>
<td>12,294,592,000</td>
<td>−1,222,873,000 −1,522,812,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining law admin/mining fees (loss of receipts)</td>
<td>26,650,000</td>
<td></td>
<td></td>
<td>−26,650,000</td>
</tr>
<tr>
<td>Energy Conservation</td>
<td>−11,689,000</td>
<td>−16,701,000</td>
<td>−16,701,000</td>
<td>−5,012,000</td>
</tr>
<tr>
<td>Tribal consolidation fund (proposed)</td>
<td>−12,500,000</td>
<td></td>
<td></td>
<td>−12,500,000</td>
</tr>
<tr>
<td>Washington land exchange (Sec. 326)</td>
<td>3,000</td>
<td></td>
<td></td>
<td>+3,000</td>
</tr>
<tr>
<td>Compact of Free Association (offset)</td>
<td>−17,738,000</td>
<td></td>
<td></td>
<td>+17,738,000</td>
</tr>
<tr>
<td>Undistributed prior year BA and fiscal year 1996 BA carryover (Public Law 104–19)</td>
<td>−99,199,000</td>
<td>−4,124,000</td>
<td>−4,124,000</td>
<td>+95,075,000</td>
</tr>
<tr>
<td>General provisions rescission for timber salvage and Alaska (Public Law 104–19)</td>
<td>−33,353,000</td>
<td></td>
<td></td>
<td>+33,353,000</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

#### [Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td>Travel cut (Public Law 104–19)</td>
<td>−29,000,000</td>
<td>−29,000,000</td>
<td>+29,000,000</td>
<td></td>
</tr>
<tr>
<td>Total, adjustments</td>
<td>−164,329,000</td>
<td>−8,325,000</td>
<td>−20,822,000</td>
<td>+143,507,000</td>
</tr>
<tr>
<td>Net grand total</td>
<td>13,353,136,000</td>
<td>13,823,879,000</td>
<td>12,273,770,000</td>
<td>−1,079,366,000</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(−30,000,000)</td>
<td>(−30,000,000)</td>
<td>(−30,000,000)</td>
<td>−1,535,309,000</td>
</tr>
<tr>
<td>Rescissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime trust fund</td>
<td>−15,200,000</td>
<td>−15,200,000</td>
<td>−15,200,000</td>
<td></td>
</tr>
<tr>
<td>(Timber receipts transfer to general fund, indefinite)</td>
<td>−44,548,000</td>
<td>−44,548,000</td>
<td>−44,548,000</td>
<td>(−221,000)</td>
</tr>
<tr>
<td>(Timber purchaser credits)</td>
<td>(−50,000,000)</td>
<td>(−50,000,000)</td>
<td>(−50,000,000)</td>
<td></td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(107,764,000)</td>
<td>(187,000,000)</td>
<td>(187,000,000)</td>
<td>(−79,236,000)</td>
</tr>
</tbody>
</table>

Includes the following budget amendments:

**H. Doc. 104–39:**
- Department of the Interior:
  - Bureau of Mines: Mines and minerals −$20,000,000
- Department of Energy:
  - Energy Programs:
    - Clean coal technology −35,000,000
    - Energy conservation −10,000,000

**H. Doc. 104–63:**
- Department of Energy:
  - Energy Programs: SPR decommissioning fund 100,000,000

**H. Doc. 104–80:**
- Department of the Interior:
  - Territorial and International Affairs: Assistance to territories −950,000
  - Departmental Management: Office of the Secretary: Salaries and expense −250,000

**H. Doc. 104–100:**
- Department of Energy:
  - Energy Programs:
    - Fossil energy research and development −9,936,000
    - Strategic petroleum reserve −2,345,000
    - Energy Information Administration −3,323,000
    - Emergency preparedness −36,000
    - Energy conservation −16,895,000
    - Naval petroleum and oil shale reserves 48,582,000
    - Economic regulation −428,000
    - Clean coal technology −686,000

**Total** 58,669,000

1 Clean coal technology: Fiscal year 1995 funding of $375,000,000 and reduction of $337,879,000 resulting in availability of $37,121,000. Fiscal year 1996 funding of $200,000,000 and reduction of $50,000,000 (Public Law 104–6) resulting in availability of $150,000,000.
### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

**PUBLIC LAW 104-134**

[Amounts in dollars]

<table>
<thead>
<tr>
<th>TITLE I—DEPARTMENT OF LABOR</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMPLOYMENT AND TRAINING ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training and employment services</td>
<td>3,956,532,000</td>
<td>5,464,484,000</td>
<td>4,146,278,000</td>
<td>+ 189,746,000</td>
<td>− 1,318,206,000</td>
<td></td>
</tr>
<tr>
<td>Community service employment for older Americans</td>
<td>396,060,000</td>
<td>410,500,000</td>
<td>373,000,000</td>
<td>− 23,060,000</td>
<td>− 37,500,000</td>
<td></td>
</tr>
<tr>
<td>Federal unemployment benefits and allowances (indefinite)</td>
<td>274,400,000</td>
<td>346,100,000</td>
<td>346,100,000</td>
<td>+ 71,700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State unemployment insurance and employment service operations</td>
<td>127,188,000</td>
<td>226,111,000</td>
<td>135,328,000</td>
<td>+ 8,140,000</td>
<td>− 90,783,000</td>
<td></td>
</tr>
<tr>
<td>(Limitation on trust fund transfer)</td>
<td>(3,201,362,000)</td>
<td>(3,315,872,000)</td>
<td>(3,102,194,000)</td>
<td>(− 99,168,000)</td>
<td>(− 213,678,000)</td>
<td></td>
</tr>
<tr>
<td>(Limitation on trust fund transfer—contingency)</td>
<td>(812,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Subtotal, trust funds</td>
<td>(3,202,174,000)</td>
<td>(3,315,872,000)</td>
<td>(3,102,194,000)</td>
<td>(− 99,168,000)</td>
<td>(− 213,678,000)</td>
<td></td>
</tr>
<tr>
<td>Advances to the Unemployment Trust Fund and other funds</td>
<td>1,004,485,000</td>
<td>369,000,000</td>
<td>369,000,000</td>
<td>− 635,485,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rescission</td>
<td></td>
<td></td>
<td>− 56,300,000</td>
<td>− 56,300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to the Unemployment Trust fund and other funds (rescission)</td>
<td></td>
<td></td>
<td>− 266,000,000</td>
<td>− 266,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program administration</td>
<td>89,919,000</td>
<td>95,513,000</td>
<td>83,054,000</td>
<td>− 6,865,000</td>
<td>− 12,459,000</td>
<td></td>
</tr>
<tr>
<td>(Limitation on trust fund transfer)</td>
<td>(44,152,000)</td>
<td>(51,902,000)</td>
<td>(40,793,000)</td>
<td>(− 3,359,000)</td>
<td>(− 11,109,000)</td>
<td></td>
</tr>
<tr>
<td>Subtotal, trust funds</td>
<td>(44,152,000)</td>
<td>(51,902,000)</td>
<td>(40,793,000)</td>
<td>(− 3,359,000)</td>
<td>(− 11,109,000)</td>
<td></td>
</tr>
<tr>
<td>Net total, Employment and Training Administration</td>
<td>5,848,584,000</td>
<td>6,911,708,000</td>
<td>5,130,460,000</td>
<td>− 718,124,000</td>
<td>− 1,781,248,000</td>
<td></td>
</tr>
</tbody>
</table>

**OFFICE OF THE AMERICAN WORKPLACE**

| Salaries and expenses | 7,082,000 | 10,770,000 | | − 7,082,000 | − 10,770,000 |
| PENSION AND WELFARE BENEFITS ADMINISTRATION |
| Salaries and expenses | 68,931,000 | 81,182,000 | 67,497,000 | − 1,434,000 | − 13,685,000 |

**PENSION BENEFIT GUARANTY CORPORATION**

| Pension Benefit Guaranty Corporation fund: (Limitation of trust funds) | (11,463,000) | (12,043,000) | (10,603,000) | (− 860,000) | (− 1,440,000) |

**EMPLOYMENT STANDARDS ADMINISTRATION**

| Salaries and expenses | 271,340,000 | 306,476,000 | 265,637,000 | − 5,703,000 | − 40,839,000 |
| Special benefits | 258,000,000 | 218,000,000 | 218,000,000 | | | |

**Black Lung Disability Trust Fund**

| Definite | 974,301,000 | 998,080,000 | 996,763,000 | + 22,462,000 | − 1,317,000 | | |

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954 LABOR, HHS, AND EDUCATION, 1996
### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
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<td>756,000</td>
<td>+22,462,000 (−) 1,317,000</td>
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<td>Salaries and expenses</td>
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<td><strong>OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION</strong></td>
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<td>Salaries and expenses</td>
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<td>(342,000)</td>
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<td>(187,114,000)</td>
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<td>−3,038,000 (−) 3,038,000</td>
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<td>(3,629,347,000)</td>
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<td><strong>(Limitation on trust funds)</strong></td>
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### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<tr>
<td><strong>Title II—Department of Health and Human Services</strong></td>
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<td>Health Resources and Services Administration</td>
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<td>8,000,000</td>
<td>8,000,000</td>
<td>−1,000,000</td>
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<td>medical facilities</td>
<td></td>
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<td>Health education assistance loans program (Limitation on guaranteed loans)</td>
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<td>(280,000,000)</td>
<td>(210,000,000)</td>
<td>(−165,000,000)</td>
<td>(−70,000,000)</td>
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<td>2,688,000</td>
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<tr>
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<td>Centers for Disease Control and Prevention</td>
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<td>Disease control, research, and training</td>
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<td>2,183,560,000</td>
<td>2,083,051,000</td>
<td>−291,000</td>
<td>−100,509,000</td>
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<tr>
<td>Violent crime reduction program</td>
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<td>Total</td>
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<td>2,222,660,000</td>
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<td>−107,967,000</td>
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<td>National Institutes of Health</td>
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<td>National Cancer Institute</td>
<td>1,913,167,000</td>
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<td>2,251,084,000</td>
<td>+337,917,000</td>
<td>+257,077,000</td>
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<td>National Heart, Lung, and Blood Institute</td>
<td>1,242,574,000</td>
<td>1,279,096,000</td>
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<td>+131,292,000</td>
<td>+76,770,000</td>
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<td>National Institute of Dental Research</td>
<td>163,112,000</td>
<td>168,341,000</td>
<td>183,196,000</td>
<td>+20,084,000</td>
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<td>National Institute of Diabetes and Digestive and Kidney Diseases</td>
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<td>748,798,000</td>
<td>771,252,000</td>
<td>+46,287,000</td>
<td>+22,454,000</td>
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<td>National Institute of Neurological Disorders and Stroke</td>
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<td>+33,279,000</td>
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<tr>
<td>National Institute of General Medical Sciences</td>
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<td>National Institute of Child Health and Human Development</td>
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<td>526,177,000</td>
<td>595,162,000</td>
<td>+86,131,000</td>
<td>+68,985,000</td>
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<td>National Eye Institute</td>
<td>291,464,000</td>
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<td>314,185,000</td>
<td>+22,721,000</td>
<td>+13,492,000</td>
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<td>National Institute of Environmental Health Sciences</td>
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<td>288,898,000</td>
<td>+22,561,000</td>
<td>+10,066,000</td>
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<td>National Institute on Aging</td>
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<td>+8,094,000</td>
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<td>235,428,000</td>
<td>241,828,000</td>
<td>+13,706,000</td>
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<td>National Institute on Deafness and Other Communication Disorders</td>
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<td>176,502,000</td>
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<td>+4,103,000</td>
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### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

**[Amounts in dollars]**

<p>| National Institute of Nursing Research | 48,123,000 | 50,159,000 | 55,831,000 | +7,708,000 | +5,672,000 |
| National Institute on Alcohol Abuse and Alcoholism | 180,064,000 | 185,712,000 | 198,607,000 | +18,543,000 | +12,895,000 |
| National Institute on Drug Abuse | 289,381,000 | 296,738,000 | 456,441,000 | +168,860,000 | +159,703,000 |
| National Institute of Mental Health | 541,376,000 | 558,580,000 | 661,328,000 | +119,952,000 | +102,748,000 |
| National Center for Research Resources | 287,341,000 | 307,544,000 | 390,339,000 | +102,998,000 | +82,795,000 |
| National Center for Human Genome Research | 152,906,000 | 166,678,000 | 170,041,000 | +17,135,000 | +3,363,000 |
| John E. Fogarty International Center | 14,633,000 | 15,267,000 | 25,313,000 | +10,680,000 | +10,046,000 |
| National Library of Medicine | 125,195,000 | 136,311,000 | 141,439,000 | +16,244,000 | +5,128,000 |
| Office of the Director | 214,234,000 | 230,256,000 | 261,488,000 | +47,254,000 | +31,232,000 |
| National Library of Medicine | 144,120,000 | 149,120,000 | 146,151,000 | +32,031,000 | +2,031,000 |
| Buildings and facilities | 114,020,000 | 114,020,000 | 114,020,000 | +1,000,000 | +1,000,000 |
| National Institute of Nursing Research | 1,333,086,000 | 1,407,824,000 | 1,407,824,000 | +74,935,000 | +74,935,000 |
| Substance abuse and mental health services | 11,284,162,000 | 11,764,066,000 | 11,764,066,000 | +654,839,000 | +74,935,000 |
| Office of the Assistant Secretary for Health | 65,752,000 | 66,206,000 | 66,206,000 | +434,000 | +434,000 |
| Office of the Assistant Secretary for Health | 66,206,000 | 66,206,000 | 66,206,000 | +434,000 | +434,000 |
| Retirement pay and medical benefits for commissioned officers (indefinite) | 159,321,000 | 166,925,000 | 166,925,000 | +7,604,000 | +7,604,000 |
| Health care policy and research | 135,290,000 | 142,424,000 | 146,186,000 | +37,404,000 | +37,404,000 |
| Health care policy and research | 146,151,000 | 146,151,000 | 146,151,000 | +0 | +0 |
| Total | 19,138,162,000 | 19,962,755,000 | 19,441,286,000 | +521,469,000 | +521,469,000 |
| Health care Financing Administration | 19,138,162,000 | 19,962,755,000 | 19,441,286,000 | +521,469,000 | +521,469,000 |
| Grants to States for Medicaid | 95,977,200,000 | 95,977,200,000 | 95,977,200,000 | -413,649,000 | -413,649,000 |
| Carryover balance | -13,835,128,000 | -13,835,128,000 | -13,835,128,000 | -6,685,054,000 | -6,685,054,000 |
| Appropriation available from prior year advance | -27,047,717,000 | -27,047,717,000 | -27,047,717,000 | -447,717,000 | -447,717,000 |
| Total, adjusted appropriation | 62,640,775,000 | 55,094,355,000 | 55,094,355,000 | -7,546,420,000 | -7,546,420,000 |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
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<tr>
<td></td>
<td></td>
<td></td>
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<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
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<td>Amounts in dollars</td>
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<td>21,358,000</td>
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<td>−83,942,000</td>
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<td>−551,192,000</td>
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<td>Family preservation and support</td>
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<td>225,000,000</td>
<td>225,000,000</td>
<td>+75,000,000</td>
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<td>Payments to States for foster care and adoption assistance</td>
<td>3,597,371,000</td>
<td>4,307,842,000</td>
<td>4,322,238,000</td>
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<td>−2,501,210,000</td>
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<td>−67,755,000</td>
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<td>Office of the Secretary</td>
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<td>General departmental management</td>
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<td>86,162,000</td>
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<td>58,492,000</td>
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<tr>
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<td>Office for Civil Rights</td>
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<td>17,558,000</td>
<td>16,153,000</td>
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<td>9,000,000</td>
<td>−26,000,000</td>
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<td>Performance award 1 percent cap (sec. 513)</td>
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<td>Net total, title II, Department of Health and Human Services</td>
<td>179,546,934,000</td>
<td>200,475,428,000</td>
<td>197,417,280,000</td>
<td>+17,870,346,000</td>
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<td>(147,330,013,000)</td>
<td>(168,200,874,000)</td>
<td>(166,561,930,000)</td>
<td>(−19,231,917,000)</td>
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<tr>
<td>Rescissions</td>
<td>(−230,796,000)</td>
<td>(−100,000,000)</td>
<td>(−100,000,000)</td>
<td>(−130,796,000)</td>
</tr>
<tr>
<td>Advance appropriations, fiscal year 1997</td>
<td>(32,447,717,000)</td>
<td>(30,955,350,000)</td>
<td>(−1,492,367,000)</td>
<td>(−1,319,204,000)</td>
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<td>(Limitation on trust funds)</td>
<td>(2,235,285,000)</td>
<td>(2,291,444,000)</td>
<td>(−73,863,000)</td>
<td>(−130,022,000)</td>
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<td>(Limitation on guaranteed loans)</td>
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<td>(280,000,000)</td>
<td>(210,000,000)</td>
<td>(−165,000,000)</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>(−70,000,000)</td>
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<td>Component</td>
<td>Appropriated, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
<td>Appropriaated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
<tr>
<td>----------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td>---------------------------------</td>
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<tr>
<td>Title III—Department of Education</td>
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<td>Education reform</td>
<td>494,370,000</td>
<td>950,000,000</td>
<td>530,000,000</td>
<td>+ 35,630,000, − 420,000,000</td>
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<td>Education for the disadvantaged</td>
<td>7,228,116,000</td>
<td>7,441,292,000</td>
<td>5,929,730,000</td>
<td>− 1,298,386,000, + 1,511,562,000</td>
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<tr>
<td>Advance funding for fiscal year 1997</td>
<td></td>
<td></td>
<td>1,298,386,000</td>
<td>+ 1,298,386,000, + 1,298,386,000</td>
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<td>Impact aid</td>
<td>728,000,000</td>
<td>619,000,000</td>
<td>693,000,000</td>
<td>− 35,000,000, + 74,000,000</td>
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<td>School improvement programs</td>
<td>1,328,037,000</td>
<td>1,554,331,000</td>
<td>1,223,708,000</td>
<td>− 104,329,000, − 330,623,000</td>
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<td>Violent crime reduction program</td>
<td>206,700,000</td>
<td>300,000,000</td>
<td>178,000,000</td>
<td>− 28,000,000, − 122,000,000</td>
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<tr>
<td>Bilingual and immigrant education</td>
<td>3,252,846,000</td>
<td>3,342,126,000</td>
<td>3,245,447,000</td>
<td>+ 65,698,000, + 3,500,000</td>
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<tr>
<td>School improvement programs</td>
<td>1,298,386,000</td>
<td>1,298,386,000</td>
<td>1,298,386,000</td>
<td>+ 62,768,000, − 817,000</td>
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<tr>
<td>Total</td>
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<td>2,456,937,000</td>
<td>2,456,120,000</td>
<td>+ 62,768,000, − 817,000</td>
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<td>Special Institutions for Persons With Disabilities:</td>
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<td></td>
<td></td>
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<td>American Printing House for the Blind</td>
<td>6,680,000</td>
<td>6,680,000</td>
<td>6,680,000</td>
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<td>National Technical Institute for the Deaf</td>
<td>43,191,000</td>
<td>43,041,000</td>
<td>42,180,000</td>
<td>− 1,011,000, − 861,000</td>
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<td>Gallaudet University</td>
<td>80,030,000</td>
<td>80,030,000</td>
<td>77,629,000</td>
<td>− 2,401,000, − 2,401,000</td>
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<td>Total</td>
<td>129,901,000</td>
<td>129,751,000</td>
<td>126,489,000</td>
<td>− 3,412,000, − 3,262,000</td>
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<td>Vocational and adult education</td>
<td>1,382,561,000</td>
<td>1,668,575,000</td>
<td>1,340,261,000</td>
<td>− 42,300,000, − 328,314,000</td>
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<td>Student financial assistance</td>
<td>7,617,970,000</td>
<td>7,651,415,000</td>
<td>6,312,033,000</td>
<td>− 1,305,937,000, − 1,339,382,000</td>
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<td>Federal family education loan program account</td>
<td>62,096,000</td>
<td>30,066,000</td>
<td>30,066,000</td>
<td>− 32,030,000, − 32,030,000</td>
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<td>Federal direct student loan program (direct loan administration permanent authority) (rescission)</td>
<td>919,370,000</td>
<td>820,772,000</td>
<td>836,964,000</td>
<td>+ 61,000,000, + 16,192,000</td>
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<td>Howard University</td>
<td>204,663,000</td>
<td>195,963,000</td>
<td>182,348,000</td>
<td>+ 13,615,000, − 327,000</td>
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<td>College housing and academic facilities loans program</td>
<td>757,000</td>
<td>1,027,000</td>
<td>700,000</td>
<td>− 57,000, − 327,000</td>
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<td>Historically Black College and University capital financing, program account</td>
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<td>166,000</td>
<td>166,000</td>
<td>− 180,000, − 327,000</td>
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<tr>
<td>(Limitation on guaranteed loans)</td>
<td>357,000,000</td>
<td>357,000,000</td>
<td>357,000,000</td>
<td>− 327,000, − 327,000</td>
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<tr>
<td>Education research, statistics, and improvement</td>
<td>323,962,000</td>
<td>357,000,000</td>
<td>357,000,000</td>
<td>+ 27,006,000, + 81,796,000</td>
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<td>Libraries</td>
<td>144,161,000</td>
<td>106,927,000</td>
<td>132,505,000</td>
<td>− 11,656,000, + 25,578,000</td>
</tr>
</tbody>
</table>
### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

#### Departmental Management:
- **Program administration**: $355,476,000 in 1995, $370,844,000 in 1996, $327,319,000 in 1996.
- **Office for Civil Rights**: $58,236,000 in 1995, $62,784,000 in 1996, $55,451,000 in 1996.
- **Headquarters renovation**: $20,000,000 in 1995, $7,000,000 in 1996.

#### Total:
$444,102,000 in 1995, $487,694,000 in 1996, $418,424,000 in 1996.

#### Performance award 1 percent cap (sec. 513):
- $25,678,000 decrease.
- $69,270,000 decrease.

#### Total, title III, Department of Education:
$26,800,310,000 in 1996, $28,220,106,000 in 1996, $25,284,192,000 in 1996.

#### Appropriations, fiscal year 1996:
- $(26,861,310,000) decrease.
- $(2,875,504,000) decrease.

#### Rescission:
- $(61,000,000) decrease.

#### Advance appropriations, fiscal year 1997:
- $(1,298,386,000) decrease.

#### Limitation on guaranteed loans:
- $(357,000,000) decrease.

### TITLE IV—RELATED AGENCIES

#### Armed Forces Retirement Home:
- **Operation and maintenance (trust fund limitation):**
  - **Soldiers’ and Airmen’s Home**: $45,248,000 in 1995, $45,090,000 in 1996.
  - **United States Naval Home**: $11,015,000 in 1995, $11,979,000 in 1996.
  - **Consolidated account**: $54,017,000 in 1995, $54,017,000 in 1996.

#### Subtotal, O&M:
$56,263,000 in 1995, $57,069,000 in 1996, $54,017,000 in 1996.

#### Capital program (trust fund limitation):
- **Soldiers’ and Airmen’s Home**: $2,500,000 in 1995, $1,483,000 in 1996.
- **United States Naval Home**: $406,000 in 1995, $568,000 in 1996.
- **Consolidated account**: $1,954,000 in 1995, $1,954,000 in 1996.

#### Subtotal, capital:
$2,906,000 in 1995, $2,051,000 in 1996, $1,954,000 in 1996.

#### Performance award 1 percent cap (sec. 513):
- $102,000 decrease.

#### Total, AFSH 1:
$59,169,000 in 1995, $59,120,000 in 1996, $55,869,000 in 1996.
### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

| Corporation for National and Community Service: Domestic Volunteer Service Programs, operating expenses | Enacted, fiscal year 1995 | Budget estimates, fiscal year 1996 | Appropriated, fiscal year 1996 | Increase (+) or decrease (−) |
| Corporation for Public Broadcasting: Advance appropriation, fiscal year 1998 | 214,624,000 | 262,900,000 | 198,393,000 | −16,231,000 |
| Rescission, fiscal year 1995 | −7,000,000 | | | +7,000,000 |
| Rescission, fiscal year 1996 funding (non-add) | (−37,000,000) | | | (+37,000,000) |
| Rescission, fiscal year 1997 funding (non-add) | (−55,000,000) | | | (+55,000,000) |
| Federal Mediation and Conciliation Service | 31,344,000 | 33,290,000 | 32,896,000 | +1,552,000 |
| Federal Mine Safety and Health Review Commission | 6,200,000 | 6,467,000 | 6,200,000 | −267,000 |
| National Commission on Libraries and Information Science | 901,000 | 962,000 | 829,000 | −72,000 |
| National Council on Disability | 1,793,000 | 1,830,000 | 1,793,000 | −37,000 |
| National Education Goals Panel | 2,785,000 | 1,000,000 | 1,785,000 | −1,785,000 |
| National Education Standards and Improvement Council | 3,000,000 | | | −3,000,000 |
| National Labor Relations Board | 176,047,000 | 181,134,000 | 170,743,000 | −5,304,000 |
| National Mediation Board | 8,519,000 | 8,933,000 | 7,837,000 | −10,096,000 |
| Occupational Safety and Health Review Commission | 7,595,000 | 8,127,000 | 8,100,000 | +505,000 |
| Physician Payment Review Commission (trust funds) | (4,176,000) | (4,100,000) | (2,923,000) | −1,177,000 |
| Prospective Payment Assessment Commission (trust funds) | (4,667,000) | (4,656,000) | (3,267,000) | −1,389,000 |
| **SOCIAL SECURITY ADMINISTRATION** | | | | |
| Payments to social security trust funds | 25,094,000 | 32,641,000 | 32,641,000 | +7,547,000 |
| Special benefits for disabled coal miners: | | | | |
| Direct appropriation | 717,874,000 | 665,396,000 | 665,396,000 | −52,478,000 |
| Appropriation available from prior year advance | −190,000,000 | −180,000,000 | −180,000,000 | +10,000,000 |
| Total, fiscal year 1996 appropriation | 527,874,000 | 485,396,000 | 485,396,000 | −42,478,000 |
| New advance, 1st quarter, fiscal year 1997 | 180,000,000 | 170,000,000 | 170,000,000 | −10,000,000 |
| Total, special benefits for disabled coal miners | 707,874,000 | 655,396,000 | 655,396,000 | −52,478,000 |
| **Supplemental security income program:** | | | | |
| Mandatory | 25,606,839,000 | 23,731,736,000 | 23,733,236,000 | −1,873,603,000 |
| Discretionary | 2,042,781,000 | 1,727,098,000 | 1,719,098,000 | −323,683,000 |
| Investment proposals | 347,000,000 | 405,159,000 | 153,178,000 | −193,822,000 |
| **Total, supplemental security income program** | 28,996,620,000 | 25,283,993,000 | 25,605,462,000 | −321,469,000 |
### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<tbody>
<tr>
<td>Subtotal</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Appropriation available from prior year advance</td>
<td>−6,770,000,000</td>
<td>−7,060,000,000</td>
<td>−7,060,000,000</td>
<td>−290,000,000</td>
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<tr>
<td>Total, fiscal year 1996 appropriation</td>
<td>21,226,620,000</td>
<td>18,803,993,000</td>
<td>18,545,512,000</td>
<td>−2,681,108,000</td>
<td>−258,481,000</td>
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<tr>
<td>Additional CDR funding</td>
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<td></td>
<td>15,000,000</td>
<td>+15,000,000</td>
<td>+15,000,000</td>
<td></td>
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<tr>
<td>New advance, 1st quarter, fiscal year 1997</td>
<td>7,060,000,000</td>
<td>9,260,000,000</td>
<td>9,260,000,000</td>
<td>+2,200,000,000</td>
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<tr>
<td><strong>Total, supplemental security income program</strong></td>
<td>28,286,620,000</td>
<td>28,063,993,000</td>
<td>27,820,512,000</td>
<td>−466,108,000</td>
<td>−243,481,000</td>
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<td>Limitation on administrative expenses: Trust funds</td>
<td>5,544,103,000</td>
<td>6,209,402,000</td>
<td>5,881,768,000</td>
<td>+337,665,000</td>
<td>+327,634,000</td>
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<tr>
<td>Office of the Inspector General</td>
<td>2,408,000</td>
<td>6,964,000</td>
<td>4,816,000</td>
<td>+2,408,000</td>
<td>−2,148,000</td>
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<tr>
<td><strong>Performance award 1 percent cap (sec. 513)</strong></td>
<td></td>
<td></td>
<td>−9,181,000</td>
<td>−9,181,000</td>
<td>−9,181,000</td>
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</tr>
<tr>
<td><strong>Total, Social Security Administration</strong></td>
<td>29,021,996,000</td>
<td>28,758,994,000</td>
<td>28,504,184,000</td>
<td>−517,812,000</td>
<td>−254,810,000</td>
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<td>Appropriations, fiscal year 1996</td>
<td>(21,781,996,000)</td>
<td>(19,328,994,000)</td>
<td>(19,074,184,000)</td>
<td>(−2,707,812,000)</td>
<td>(−254,810,000)</td>
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<tr>
<td>Advance appropriations, fiscal year 1997</td>
<td>(7,240,000,000)</td>
<td>(9,430,000,000)</td>
<td>(9,430,000,000)</td>
<td>(+2,190,000,000)</td>
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<tr>
<td><strong>Limitation on trust fund transfer</strong></td>
<td>(8,038,000)</td>
<td>(20,253,000)</td>
<td>(21,076,000)</td>
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<td>(+823,000)</td>
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<td><strong>Total, Railroad Retirement Board</strong></td>
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<td>−9,181,000</td>
<td>−9,181,000</td>
<td>−9,181,000</td>
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<td>Limitation on administrative expenses, trust funds:</td>
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<td>Consolidated account</td>
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<td>Administration</td>
<td>(73,803,000)</td>
<td>(73,169,000)</td>
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<td>(−634,000)</td>
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<td>Unemployment insurance</td>
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<td>(−227,000)</td>
<td>(+16,786,000)</td>
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<tr>
<td>Special Management Improvement Fund</td>
<td>(1,638,000)</td>
<td>(659,000)</td>
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<td>(−979,000)</td>
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<td>(−1,627,000)</td>
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<td>Office of Inspector General</td>
<td>(6,675,000)</td>
<td>(6,700,000)</td>
<td>(5,673,000)</td>
<td>(−1,002,000)</td>
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<td>(−1,027,000)</td>
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<td><strong>Performance award 1 percent cap (sec. 513)</strong></td>
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<tr>
<td><strong>Total</strong></td>
<td>235,300,000</td>
<td>222,300,000</td>
<td>222,147,000</td>
<td>−13,153,000</td>
<td>−153,000</td>
<td>−153,000</td>
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<tr>
<td>United States Institute of Peace: Operating expenses</td>
<td>11,500,000</td>
<td>11,500,000</td>
<td>11,500,000</td>
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### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Performance award 1 percent cap (sec. 513)</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
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<tbody>
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<tr>
<td>Total, title IV, related agencies</td>
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<tr>
<td>Appropriations, fiscal year 1996</td>
<td>(22,527,988,000)</td>
<td>(20,131,342,000)</td>
<td>(19,790,859,000)</td>
<td>(–2,737,129,000)</td>
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<tr>
<td>Advance appropriations, fiscal year 1997</td>
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<td>(9,430,000,000)</td>
<td>(9,430,000,000)</td>
<td>(–2,190,000,000)</td>
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<td>Advance appropriations, fiscal year 1998</td>
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<td>(296,400,000)</td>
<td>(250,000,000)</td>
<td>(–10,000,000)</td>
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<tr>
<td>(Limitation on trust funds)</td>
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<td>(6,338,470,000)</td>
<td>(6,005,321,000)</td>
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<td>(Limitation on guaranteed loans)</td>
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#### TITLE V—GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Performance award 1 percent cap (sec. 513)</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
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<td>Net total appropriations</td>
<td>244,827,405,000</td>
<td>268,185,087,000</td>
<td>259,828,717,000</td>
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<td>Other adjustments affecting the bill:</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Trust funds considered budget authority</td>
<td>6,552,420,000</td>
<td>6,928,676,000</td>
<td>6,507,548,000</td>
<td>–44,872,000</td>
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<tr>
<td>Adjustment to balance with fiscal year 1995 bill</td>
<td>–371,792,000</td>
<td></td>
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<td>+371,792,000</td>
</tr>
<tr>
<td>Pell grants rescission of fiscal year 1994 funds</td>
<td>–35,000,000</td>
<td></td>
<td></td>
<td>+35,000,000</td>
</tr>
<tr>
<td>Youth training rescission (fiscal year 1994)</td>
<td>–50,000,000</td>
<td></td>
<td></td>
<td>+50,000,000</td>
</tr>
<tr>
<td>NIH buildings and facilities rescission (fiscal year 1994)</td>
<td>–60,000,000</td>
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<td></td>
<td>+60,000,000</td>
</tr>
<tr>
<td>Retirement fraud</td>
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<td>+410,000</td>
</tr>
<tr>
<td>HEAL loan limitation</td>
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<td>–6,983,000</td>
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<tr>
<td>Federal student direct loans</td>
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<td>–114,000,000</td>
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</tr>
<tr>
<td>Department of Labor working capital fund</td>
<td></td>
<td>3,900,000</td>
<td>+3,900,000</td>
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</tr>
<tr>
<td>Medicaid psychiatric hospitals</td>
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<td>50,000,000</td>
<td>+50,000,000</td>
<td></td>
</tr>
<tr>
<td>Total adjustments</td>
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<td>6,928,676,000</td>
<td>6,440,465,000</td>
<td>+405,247,000</td>
</tr>
<tr>
<td>Net grand total</td>
<td>250,862,623,000</td>
<td>275,113,763,000</td>
<td>266,269,182,000</td>
<td>+15,006,559,000</td>
</tr>
</tbody>
</table>
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

Includes the following budget amendments:

<table>
<thead>
<tr>
<th>Department of Education:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Elementary and Secondary Education:</td>
<td></td>
</tr>
<tr>
<td>Impact aid</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>School improvement programs</td>
<td>33,054,000</td>
</tr>
<tr>
<td>Higher education</td>
<td>$110,739,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of Health and Human Services:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Resources and Services Administration:</td>
<td></td>
</tr>
<tr>
<td>Health resources and services</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Centers for Disease Control and Prevention:</td>
<td></td>
</tr>
<tr>
<td>Disease control, research, and training</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Substance Abuse and Mental Health Services Administration:</td>
<td></td>
</tr>
<tr>
<td>Substance abuse and mental health services</td>
<td>$3,000,000</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Department of Labor:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the American Workplace:</td>
<td>$157,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of Education:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Elementary and Secondary Education:</td>
<td></td>
</tr>
<tr>
<td>School improvement programs</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Office of Postsecondary Education:</td>
<td></td>
</tr>
<tr>
<td>Student financial assistance</td>
<td>$8,000,000</td>
</tr>
</tbody>
</table>

Other Independent Agencies:

| Railroad Retirement Board: Federal windfall subsidy | $1,000,000 |

Social Security Administration:

| Office of Inspector General | $27,217,000 |
| Supplemental security income program | $1,438,000 |
| Limitation on administrative expenses | $21,202,000 |

Department of Education:

<table>
<thead>
<tr>
<th>Departmental Management:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General departmental management</td>
<td>$26,338,000</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>$21,789,000</td>
</tr>
<tr>
<td>Policy research</td>
<td>$122,000</td>
</tr>
<tr>
<td>Office for civil rights</td>
<td>$170,000</td>
</tr>
</tbody>
</table>

Department of Health and Human Services:

| National Institutes of Health: National Center for Research Resources | $9,000,000 |
| Departmental Management: Public health and social services emergency fund | $9,000,000 |

Total | $143,292,000 |

1 Department of Defense—Civil.
## TITLE I—CONGRESSIONAL OPERATIONS

### SENATE

#### MILEAGE AND EXPENSE ALLOWANCES

<table>
<thead>
<tr>
<th>Item</th>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage of the Vice President and Senators</td>
<td>60,000</td>
<td>60,000</td>
<td>−60,000</td>
</tr>
<tr>
<td>Expense allowances:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice President</td>
<td>10,000</td>
<td>10,000</td>
<td>−10,000</td>
</tr>
<tr>
<td>President Pro Tempore of the Senate</td>
<td>10,000</td>
<td>10,000</td>
<td>−10,000</td>
</tr>
<tr>
<td>Majority Leader of the Senate</td>
<td>10,000</td>
<td>10,000</td>
<td>−10,000</td>
</tr>
<tr>
<td>Minority Leader of the Senate</td>
<td>10,000</td>
<td>10,000</td>
<td>−10,000</td>
</tr>
<tr>
<td>Majority Whip of the Senate</td>
<td>5,000</td>
<td>5,000</td>
<td>−5,000</td>
</tr>
<tr>
<td>Minority Whip of the Senate</td>
<td>5,000</td>
<td>5,000</td>
<td>−5,000</td>
</tr>
<tr>
<td>Chairman of the Majority Conference Committee</td>
<td>3,000</td>
<td>3,000</td>
<td>−3,000</td>
</tr>
<tr>
<td>Chairman of the Minority Conference Committee</td>
<td>3,000</td>
<td>3,000</td>
<td>−3,000</td>
</tr>
<tr>
<td>Subtotal, expense allowances</td>
<td>56,000</td>
<td>56,000</td>
<td>−56,000</td>
</tr>
<tr>
<td>Representation allowances for the Majority and Minority Leaders</td>
<td>30,000</td>
<td>30,000</td>
<td>−30,000</td>
</tr>
<tr>
<td><strong>Total, Mileage and expenses allowances</strong></td>
<td><strong>146,000</strong></td>
<td><strong>86,000</strong></td>
<td>−60,000</td>
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</table>

#### SALARIES, OFFICERS AND EMPLOYEES

<table>
<thead>
<tr>
<th>Item</th>
<th>Enacted, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Vice President</td>
<td>1,513,000</td>
<td>1,549,000</td>
<td>−36,000</td>
</tr>
<tr>
<td>Office of the President Pro Tempore</td>
<td>457,000</td>
<td>469,000</td>
<td>−12,000</td>
</tr>
<tr>
<td>Offices of the Majority and Minority Leaders</td>
<td>2,195,000</td>
<td>2,246,000</td>
<td>−51,000</td>
</tr>
<tr>
<td>Offices of the Majority and Minority Whips</td>
<td>656,000</td>
<td>672,000</td>
<td>−16,000</td>
</tr>
<tr>
<td>Conference committees</td>
<td>1,992,000</td>
<td>2,040,000</td>
<td>−48,000</td>
</tr>
<tr>
<td>Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority</td>
<td>384,000</td>
<td>394,000</td>
<td>−10,000</td>
</tr>
<tr>
<td>Policy Committees</td>
<td></td>
<td>1,930,000</td>
<td>+1,930,000</td>
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<tr>
<td>Office of the Chaplain</td>
<td>192,000</td>
<td>201,000</td>
<td>−9,000</td>
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<tr>
<td>Office of the Secretary</td>
<td>12,961,000</td>
<td>13,260,000</td>
<td>−30,000</td>
</tr>
<tr>
<td>Office of the Sergeant at Arms and Doorkeeper</td>
<td>32,739,000</td>
<td>35,399,000</td>
<td>−2,660,000</td>
</tr>
<tr>
<td>Offices of the Secretaries for the Majority and Minority</td>
<td>1,197,000</td>
<td>1,225,000</td>
<td>−28,000</td>
</tr>
<tr>
<td>Agency contributions and related expenses</td>
<td>17,652,000</td>
<td>18,386,000</td>
<td>−734,000</td>
</tr>
<tr>
<td>Description</td>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Total, Salaries, officers and employees</td>
<td>71,338,000</td>
<td>75,841,000</td>
<td>69,727,000</td>
</tr>
<tr>
<td>Office of the Legislative Counsel of the Senate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Senate Legal Counsel</td>
<td></td>
<td>936,000</td>
<td>985,000</td>
</tr>
<tr>
<td>Expense allowances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate policy committees</td>
<td>2,574,000</td>
<td>2,672,000</td>
<td>−2,574,000</td>
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<tr>
<td>Inquiries and investigations</td>
<td>78,112,000</td>
<td>78,863,000</td>
<td>66,395,000</td>
</tr>
<tr>
<td>Expenses of United States Senate Caucus on International Narcotics Control</td>
<td>348,000</td>
<td>379,000</td>
<td>305,000</td>
</tr>
<tr>
<td>Secretary of the Senate</td>
<td>1,966,500</td>
<td>1,966,500</td>
<td>1,266,000</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(7,000,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sergeant at Arms and Doorkeeper of the Senate</td>
<td>74,894,000</td>
<td>72,234,000</td>
<td>61,347,000</td>
</tr>
<tr>
<td>Miscellaneous items</td>
<td>7,429,000</td>
<td>7,429,000</td>
<td>6,644,000</td>
</tr>
<tr>
<td>Senators’ Official Personnel and Office Expense Account</td>
<td>206,542,000</td>
<td>222,663,000</td>
<td>204,029,000</td>
</tr>
<tr>
<td>Office of Senate Fair Employment Practices</td>
<td>889,000</td>
<td>890,000</td>
<td>778,000</td>
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<tr>
<td>Settlements and Awards Reserve</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Stationery (revolving fund)</td>
<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
</tr>
<tr>
<td>Official Mail Costs</td>
<td></td>
<td>11,000</td>
<td>11,000</td>
</tr>
<tr>
<td>Total, Contingent expenses of the Senate</td>
<td>384,767,500</td>
<td>424,409,500</td>
<td>352,777,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>−23,000,000</td>
<td></td>
<td>−63,544,724</td>
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<tr>
<td>Administrative Provisions: Settlements and awards (reappropriation)</td>
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<td></td>
<td>1,000,000</td>
</tr>
<tr>
<td>Total, Senate</td>
<td>437,580,500</td>
<td>504,937,000</td>
<td>364,374,276</td>
</tr>
</tbody>
</table>

**LEGISLATIVE BRANCH APPROPRIATIONS, ACT, 1996, PUBLIC LAW 104-53—Continued**

[Amounts in dollars]
LEGISLATIVE BRANCH APPROPRIATIONS, ACT, 1996, PUBLIC LAW 104–53—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Payments to Widows and Heirs of Deceased Members of Congress</th>
</tr>
</thead>
</table>
Gratuities, deceased Members .............................................................. 267,200

<table>
<thead>
<tr>
<th>Salaries and Expenses</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>House Leadership Offices</th>
</tr>
</thead>
</table>
Offices of the Speaker ........................................................................... 1,444,000
Office of the Majority Floor Leader ......................................................... 1,220,764
Office of the Minority Floor Leader ......................................................... 1,445,413
Office of the Majority Whip ...................................................................... 1,121,649
Office of the Minority Whip ...................................................................... 897,000
Speaker’s Office for Legislative Floor Activity ........................................ 277,000
House Republican Conference ...................................................................... 1,506,587
House Democratic Caucus ............................................................................ 1,153,587

| House Republican Steering Committee ..................................................... 200,000
Nine minority employees ........................................................................... 1,024,000
House Democratic Steering and Policy Committee ..................................... 1,153,587

Subtotal, House leadership offices ............................................................ 10,843,000

<table>
<thead>
<tr>
<th>Members’ Representational Allowances</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Committee Employees</th>
</tr>
</thead>
</table>
Standing Committees, Special and Select (except Appropriations) ........... 112,805,000
Committee on Appropriations (including studies and investigations) ........ 22,531,000

Subtotal, Committee employees ................................................................. 135,336,000

<table>
<thead>
<tr>
<th>Salaries, Officers and Employees</th>
</tr>
</thead>
</table>
Office of the Clerk .................................................................................. 15,270,000
Office of the Sergeant at Arms .................................................................. 2,736,000
Office of the Chief Administrative Officer .............................................. 69,725,000
Office of Inspector General ........................................................................ 295,000
Office of Compliance ................................................................................... 124,000

<table>
<thead>
<tr>
<th>Budget estimates, fiscal year 1995</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted</td>
<td>Appropriated</td>
<td>Enacted</td>
</tr>
<tr>
<td>Amounts in dollars</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Subtotal</th>
</tr>
</thead>
</table>
Transfer to Joint Items, Office of Compliance .................................. 124,000
### LEGISLATIVE BRANCH APPROPRIATIONS, ACT, 1996, PUBLIC LAW 104–53—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Parliamentarian</td>
<td>983,000</td>
<td>1,240,000</td>
<td>1,180,000</td>
<td>+ 197,000, − 60,000</td>
</tr>
<tr>
<td>Office of the Parliamentarian</td>
<td>(669,000)</td>
<td>(835,000)</td>
<td>(775,000)</td>
<td>(− 106,000)</td>
</tr>
<tr>
<td>Compilation of precedents of the House of Representatives</td>
<td>(314,000)</td>
<td>(405,000)</td>
<td>(405,000)</td>
<td>(− 91,000)</td>
</tr>
<tr>
<td>Office of the Law Revision Counsel of the House</td>
<td>1,630,000</td>
<td>1,870,000</td>
<td>1,700,000</td>
<td>+ 70,000, − 170,000</td>
</tr>
<tr>
<td>Office of the Legislative Counsel of the House</td>
<td>4,400,000</td>
<td>4,392,000</td>
<td>4,524,000</td>
<td>+ 124,000, − 68,000</td>
</tr>
<tr>
<td>Other authorized employees</td>
<td>504,000</td>
<td>675,000</td>
<td>618,000</td>
<td>+ 114,000, − 57,000</td>
</tr>
<tr>
<td>Former Speakers’ staff</td>
<td>(290,000)</td>
<td>(447,000)</td>
<td>(447,000)</td>
<td>(− 157,000)</td>
</tr>
<tr>
<td>Technical assistant, Office of the Attending Physician</td>
<td>(161,000)</td>
<td>(171,000)</td>
<td>(171,000)</td>
<td>(− 10,000)</td>
</tr>
<tr>
<td>Drivers</td>
<td>(53,000)</td>
<td>(57,000)</td>
<td>(57,000)</td>
<td>(− 5,000)</td>
</tr>
<tr>
<td><strong>Subtotal, Salaries, officers and employees</strong></td>
<td>95,667,000</td>
<td>102,752,000</td>
<td>83,733,000</td>
<td>− 11,934,000, − 19,019,000</td>
</tr>
<tr>
<td><strong>ALLOWANCES AND EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies, materials, administrative costs and Federal tort claims</td>
<td>3,453,000</td>
<td>2,695,000</td>
<td>1,213,000</td>
<td>− 2,240,000, − 1,482,000</td>
</tr>
<tr>
<td>Official mail (committees, leadership, administrative and legislative offices)</td>
<td></td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>+ 1,000,000, + 1,000,000</td>
</tr>
<tr>
<td>Reemployed annuitants reimbursements</td>
<td>1,279,000</td>
<td>2,451,000</td>
<td>68,000</td>
<td>− 1,211,000, − 2,383,000</td>
</tr>
<tr>
<td>Government contributions</td>
<td>129,895,000</td>
<td>138,698,000</td>
<td>117,541,000</td>
<td>− 12,354,000, − 21,157,000</td>
</tr>
<tr>
<td>Miscellaneous items</td>
<td>778,000</td>
<td>778,000</td>
<td>658,000</td>
<td>− 120,000, − 120,000</td>
</tr>
<tr>
<td><strong>Subtotal, Allowances and expenses</strong></td>
<td>135,405,000</td>
<td>144,622,000</td>
<td>120,480,000</td>
<td>− 14,925,000, − 24,142,000</td>
</tr>
<tr>
<td><strong>Total, Salaries and expenses</strong></td>
<td>728,468,000</td>
<td>796,995,000</td>
<td>671,561,000</td>
<td>− 56,907,000, − 125,434,000</td>
</tr>
<tr>
<td><strong>Total, House of Representatives</strong></td>
<td>728,735,200</td>
<td>796,995,000</td>
<td>671,561,000</td>
<td>− 57,174,200, − 125,434,000</td>
</tr>
</tbody>
</table>

**JOINT ITEMS**

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Economic Committee</td>
<td>4,090,000</td>
<td>− 1,090,000, − 1,265,000</td>
</tr>
<tr>
<td>Joint Committee on Printing</td>
<td>1,370,000</td>
<td>− 620,000, − 664,000</td>
</tr>
<tr>
<td>Joint Committee on Taxation</td>
<td>6,019,000</td>
<td>− 903,000, − 1,344,000</td>
</tr>
</tbody>
</table>

**OFFICE OF THE ATTENDING PHYSICIAN**

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Appropriated, fiscal year 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical supplies, equipment, expenses, and allowances</td>
<td>1,335,000</td>
</tr>
</tbody>
</table>
### Capitol Police Board
#### Capitol Police

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriaed, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sergeant at Arms of the House of Representatives</td>
<td>33,463,000</td>
<td>34,643,000</td>
<td>34,213,000</td>
<td>+750,000</td>
</tr>
<tr>
<td>Sergeant at Arms and Doorkeeper of the Senate</td>
<td>35,919,000</td>
<td>37,381,000</td>
<td>35,919,000</td>
<td>−1,462,000</td>
</tr>
<tr>
<td>Subtotal, salaries</td>
<td>69,382,000</td>
<td>72,024,000</td>
<td>70,132,000</td>
<td>+750,000</td>
</tr>
<tr>
<td>General expenses</td>
<td>2,000,000</td>
<td>2,190,000</td>
<td>2,560,000</td>
<td>+560,000</td>
</tr>
<tr>
<td>Subtotal, Capitol Police</td>
<td>71,382,000</td>
<td>74,214,000</td>
<td>72,692,000</td>
<td>+1,310,000</td>
</tr>
<tr>
<td>Capitol Guide and Special Services Office</td>
<td>1,991,000</td>
<td>2,093,000</td>
<td>1,991,000</td>
<td>−102,000</td>
</tr>
<tr>
<td>Statements of Appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Compliance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer from House of Representatives, Office of Compliance</td>
<td>(500,000)</td>
<td></td>
<td>(−500,000)</td>
<td>(−500,000)</td>
</tr>
<tr>
<td>Total, Joint items</td>
<td>86,187,000</td>
<td>89,706,000</td>
<td>86,839,000</td>
<td>+652,000</td>
</tr>
</tbody>
</table>

### Office of Technology Assessment

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriaed, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>21,970,000</td>
<td>23,195,000</td>
<td>3,615,000</td>
<td>−18,355,000</td>
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</tbody>
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### Congressional Budget Office

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriaed, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>23,188,000</td>
<td>25,788,000</td>
<td>24,288,000</td>
<td>+1,100,000</td>
</tr>
</tbody>
</table>

### Architect of the Capitol
#### Office of the Architect of the Capitol

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriaed, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>9,103,000</td>
<td>9,823,000</td>
<td>8,569,000</td>
<td>−534,000</td>
</tr>
<tr>
<td>Travel (limitation on official travel expenses)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>−534,000</td>
</tr>
<tr>
<td>Contingent expenses</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>−534,000</td>
</tr>
<tr>
<td>Subtotal, Office of the Architect of the Capitol</td>
<td>9,203,000</td>
<td>9,923,000</td>
<td>8,669,000</td>
<td>−534,000</td>
</tr>
</tbody>
</table>

### Capitol Buildings and Grounds

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriaed, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitol buildings</td>
<td>22,797,000</td>
<td>28,085,000</td>
<td>22,882,000</td>
<td>+85,000</td>
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</tbody>
</table>
### LEGISLATIVE BRANCH APPROPRIATIONS, ACT, 1996, PUBLIC LAW 104-53—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Section</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>enacted</td>
</tr>
<tr>
<td>Sec. 310 (purchasing x-ray and metal detectors)</td>
<td>(2,015,000)</td>
<td></td>
<td>(− 2,015,000)</td>
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<tr>
<td>Capitol grounds</td>
<td>5,270,000</td>
<td>6,084,000</td>
<td>5,143,000</td>
<td>− 127,000</td>
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<tr>
<td>Senate office buildings</td>
<td>47,619,000</td>
<td>52,537,000</td>
<td>41,757,000</td>
<td>− 5,862,000</td>
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<tr>
<td>House office buildings</td>
<td>41,364,000</td>
<td>46,054,000</td>
<td>33,001,000</td>
<td>− 8,363,000</td>
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<tr>
<td>Capitol Power Plant</td>
<td>36,637,000</td>
<td>41,062,000</td>
<td>35,518,000</td>
<td>− 1,119,000</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>− 3,200,000</td>
<td>− 3,200,000</td>
<td>− 4,000,000</td>
<td>− 800,000</td>
</tr>
<tr>
<td>Net subtotal, Capitol Power Plant</td>
<td>33,437,000</td>
<td>37,862,000</td>
<td>31,518,000</td>
<td>− 1,919,000</td>
</tr>
<tr>
<td>Subtotal, Capitol buildings and grounds</td>
<td>150,487,000</td>
<td>170,622,000</td>
<td>134,301,000</td>
<td>− 16,186,000</td>
</tr>
<tr>
<td>Total, Architect of the Capitol</td>
<td>159,690,000</td>
<td>180,545,000</td>
<td>142,970,000</td>
<td>− 16,720,000</td>
</tr>
</tbody>
</table>

**LIBRARY OF CONGRESS**

**CONGRESSIONAL RESEARCH SERVICE**

Salaries and expenses | 60,084,000 | 65,913,000 | 60,084,000 | − 5,829,000 |

**GOVERNMENT PRINTING OFFICE**

Congressional printing and binding | 89,724,000 | 91,624,000 | 83,770,000 | − 5,954,000 | − 7,854,000 |

Net total, title I, Congressional Operations | 1,607,158,700 | 1,778,703,000 | 1,440,001,276 | − 167,157,424 | − 338,701,724 |

**TITLE II—OTHER AGENCIES**

**BOTANIC GARDEN**

Salaries and expenses | 3,230,000 | 10,370,000 | 3,053,000 | − 177,000 | − 7,317,000 |

(By transfer) | (4,000,000) | (4,000,000) | (4,000,000) | (4,000,000) | (4,000,000) |

**LIBRARY OF CONGRESS**

Salaries and expenses | 210,164,000 | 231,580,000 | 211,664,000 | + 3,362,000 | − 19,916,000 |

Authority to spend receipts | − 7,869,000 | − 7,869,000 | − 7,869,000 | − 7,869,000 | − 7,869,000 |

Subtotal | 202,295,000 | 223,711,000 | 203,795,000 | + 1,500,000 | − 19,916,000 |

Copyright Office, salaries and expenses | 27,456,000 | 32,983,000 | 30,818,000 | + 3,362,000 | − 2,165,000 |
<table>
<thead>
<tr>
<th>Account Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority to spend receipts</td>
<td>−17,411,000</td>
<td>−19,877,000</td>
<td>−19,830,000</td>
<td>−2,419,000 + 47,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>10,045,000</td>
<td>13,106,000</td>
<td>10,988,000</td>
<td>+ 943,000 − 2,118,000</td>
</tr>
<tr>
<td>Books for the blind and physically handicapped, salaries and expenses</td>
<td>44,951,000</td>
<td>47,583,000</td>
<td>44,951,000</td>
<td>−2,632,000</td>
</tr>
<tr>
<td>Furniture and furnishings</td>
<td>5,825,000</td>
<td>5,825,000</td>
<td>4,882,000</td>
<td>− 943,000</td>
</tr>
<tr>
<td>Total, Library of Congress (except CRS)</td>
<td>263,116,000</td>
<td>290,225,000</td>
<td>264,616,000</td>
<td>+ 1,500,000 − 25,609,000</td>
</tr>
<tr>
<td>ARCHITECT OF THE CAPITOL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Buildings and Grounds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural and mechanical care</td>
<td>12,483,000</td>
<td>19,929,000</td>
<td>12,428,000</td>
<td>− 55,000 − 7,501,000</td>
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<tr>
<td>GOVERNMENT PRINTING OFFICE</td>
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<td></td>
<td></td>
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<tr>
<td>Office of Superintendent of Documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>32,207,000</td>
<td>30,307,000</td>
<td>30,307,000</td>
<td>− 1,900,000</td>
</tr>
<tr>
<td>Revolving fund</td>
<td>15,420,000</td>
<td></td>
<td></td>
<td>− 15,420,000</td>
</tr>
<tr>
<td>GENERAL ACCOUNTING OFFICE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>450,360,000</td>
<td>481,060,000</td>
<td>382,806,000</td>
<td>− 67,554,000 − 98,254,000</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>− 7,000,000</td>
<td>− 8,400,000</td>
<td>− 8,400,000</td>
<td>− 1,400,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>443,360,000</td>
<td>472,660,000</td>
<td>374,406,000</td>
<td>− 68,954,000 − 98,254,000</td>
</tr>
<tr>
<td>GAO use of collections (formerly receipts)</td>
<td>6,000,000</td>
<td></td>
<td></td>
<td>− 6,000,000</td>
</tr>
<tr>
<td>Total, General Accounting Office</td>
<td>449,360,000</td>
<td>472,660,000</td>
<td>374,406,000</td>
<td>− 74,954,000 − 98,254,000</td>
</tr>
<tr>
<td>Total, title II, Other agencies</td>
<td>760,396,000</td>
<td>838,911,000</td>
<td>684,810,000</td>
<td>− 75,586,000 − 154,101,000</td>
</tr>
<tr>
<td>TITLE III—GENERAL PROVISIONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awards and settlements fund (sec. 312)</td>
<td></td>
<td></td>
<td>500,000</td>
<td>+ 500,000 + 500,000</td>
</tr>
<tr>
<td>Net total appropriations</td>
<td>2,367,554,700</td>
<td>2,617,614,000</td>
<td>2,125,311,276</td>
<td>− 242,243,424 − 492,302,724</td>
</tr>
</tbody>
</table>
### LEGISLATIVE BRANCH APPROPRIATIONS, ACT, 1996, PUBLIC LAW 104–53—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Other adjustments that affect the bill: Effect on fiscal year 1995 of rescission bill</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (–)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net grand total</td>
<td>−16,502,000</td>
<td>2,351,052,700</td>
<td>2,617,614,000</td>
<td>+16,502,000</td>
<td>−225,741,424</td>
<td>−492,302,724</td>
</tr>
<tr>
<td>Appropriations</td>
<td>2,374,052,700</td>
<td>(2,317,614,000)</td>
<td>(2,125,311,276)</td>
<td>−225,741,424</td>
<td>(−185,196,700)</td>
<td>(−428,758,000)</td>
</tr>
<tr>
<td>Rescission</td>
<td>(−23,000,000)</td>
<td>(−63,544,724)</td>
<td>(−40,544,724)</td>
<td>(−23,000,000)</td>
<td>(−63,544,724)</td>
<td></td>
</tr>
<tr>
<td>(Limitation)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Includes the following budget amendments:

**H. Doc. 104–63:**
- Legislative Branch:
  - Senate: Senators' official personnel and office expense account: $237,000
  - Congressional Budget Office: Salaries and expenses: $2,600,000
  - Library of Congress: Salaries and expenses: $3,000,000

**H. Doc. 104–88:**
- Legislative Branch:
  - House of Representatives: Salaries and expenses: $1,162,000

Total: $6,999,000
| Military construction, Army                        | 550,476,000 | 472,724,000 | 633,814,000 | 83,338,000 | 161,090,000 |
| Military construction, Navy                       | 385,110,000 | 488,086,000 | 554,636,000 | 169,526,000 | 66,550,000  |
| Military construction, Air Force                  | 516,813,000 | 495,655,000 | 587,234,000 | 70,421,000  | 91,579,000  |
| Rescission                                        | 516,813,000 | 495,655,000 | 578,469,000 | 61,656,000  | 82,814,000  |
| Military construction, Defense-wide               | 504,118,000 | 857,405,000 | 640,357,000 | 136,239,000 | 217,048,000 |
| Rescission                                        | 504,118,000 | 857,405,000 | 616,836,000 | 112,718,000 | 240,569,000 |
| Net total, Active components                      | 1,956,517,000 | 2,313,870,000 | 2,383,755,000 | 427,238,000 | 69,885,000  |
| Military construction, Army National Guard        | 188,062,000 | 18,480,000  | 137,110,000 | -50,952,000 | 118,630,000 |
| Military construction, Air National Guard         | 249,056,000 | 85,647,000  | 171,272,000 | -77,784,000 | 85,625,000  |
| Rescission                                        | 249,056,000 | 85,647,000  | 164,572,000 | -84,484,000 | 78,925,000  |
| Military construction, Army Reserve               | 57,370,000  | 42,963,000  | 72,728,000  | 15,358,000  | 29,765,000  |
| Military construction, Naval Reserve              | 22,748,000  | 7,920,000   | 19,055,000  | -3,693,000  | 11,135,000  |
| Military construction, Air Force Reserve          | 57,066,000  | 27,002,000  | 36,482,000  | -20,584,000 | 9,480,000   |
| Net total, Reserve components                     | 574,302,000 | 182,012,000 | 429,947,000 | -144,355,000 | 247,935,000 |
| Net total, Military construction                   | 2,530,819,000 | 2,495,882,000 | 2,813,702,000 | +282,883,000 | +317,820,000 |
| Appropriations                                     | (2,530,819,000) | (2,495,882,000) | (2,852,688,000) | (+321,869,000) | (+356,806,000) |
| Rescissions                                        | (-38,986,000) | (-38,986,000) | (-38,986,000) | (-38,986,000) | (-38,986,000) |
| NATO Security Investment Program                   | 119,000,000 | 179,000,000 | 161,000,000 | +42,000,000  | -18,000,000 |
| Family housing, Army:                              |
| Construction                                      | 170,002,000 | 43,500,000  | 116,656,000 | -53,346,000 | 73,156,000  |
| Operation and maintenance                         | 1,013,708,000 | 1,337,596,000 | 1,335,596,000 | +321,888,000 | -2,000,000
<table>
<thead>
<tr>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>enacted</td>
</tr>
<tr>
<td>Total</td>
<td>1,183,710,000</td>
<td>1,381,096,000</td>
<td>1,452,252,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>+71,156,000</td>
</tr>
<tr>
<td>Family housing, Navy and Marine Corps:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>267,465,000</td>
<td>465,755,000</td>
<td>525,058,000</td>
</tr>
<tr>
<td>Operation and maintenance</td>
<td>937,599,000</td>
<td>1,048,329,000</td>
<td>1,048,329,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,205,064,000</td>
<td>1,514,084,000</td>
<td>1,573,387,000</td>
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<td>Family housing, Air Force:</td>
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<td></td>
</tr>
<tr>
<td>Construction</td>
<td>277,444,000</td>
<td>249,003,000</td>
<td>297,738,000</td>
</tr>
<tr>
<td>Operation and maintenance</td>
<td>824,845,000</td>
<td>849,213,000</td>
<td>849,213,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,102,289,000</td>
<td>1,098,216,000</td>
<td>1,146,951,000</td>
</tr>
<tr>
<td>Family housing, Defense-wide:</td>
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<tr>
<td>Construction</td>
<td>350,000</td>
<td>3,772,000</td>
<td>3,772,000</td>
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<tr>
<td>Operation and maintenance</td>
<td>29,031,000</td>
<td>30,467,000</td>
<td>30,467,000</td>
</tr>
<tr>
<td>Total</td>
<td>29,381,000</td>
<td>34,239,000</td>
<td>34,239,000</td>
</tr>
<tr>
<td>Department of Defense Family Housing Improvement Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeowners Assistance Fund, Defense</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3,520,444,000</td>
<td>4,125,221,000</td>
<td>4,304,415,000</td>
</tr>
<tr>
<td>Construction</td>
<td>(715,261,000)</td>
<td>(762,030,000)</td>
<td>(943,224,000)</td>
</tr>
<tr>
<td>Operation and maintenance</td>
<td>(2,805,183,000)</td>
<td>(3,265,605,000)</td>
<td>(3,265,605,000)</td>
</tr>
<tr>
<td>Family Housing Improvement Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeowners Assistance Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>(22,000,000)</td>
<td>(22,000,000)</td>
<td>(22,000,000)</td>
</tr>
<tr>
<td>Base realignment and closure accounts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part I</td>
<td>87,600,000</td>
<td></td>
<td>-87,600,000</td>
</tr>
<tr>
<td>Part II</td>
<td>265,700,000</td>
<td>964,843,000</td>
<td>964,843,000</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(133,000,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part III</td>
<td>2,322,858,000</td>
<td>2,148,480,000</td>
<td>2,148,480,000</td>
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<tr>
<td>Part IV</td>
<td></td>
<td>784,569,000</td>
<td>784,569,000</td>
</tr>
<tr>
<td>Total, Base realignment and closure accounts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2,676,158,000</td>
<td>3,897,892,000</td>
<td>3,897,892,000</td>
</tr>
</tbody>
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MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–32—Continued

[Amounts in dollars]
### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–32—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus enacted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appropriated versus estimates</td>
</tr>
<tr>
<td>Procurement: General provisions</td>
<td>− 10,421,000</td>
<td>−</td>
<td>+ 10,421,000</td>
<td>−</td>
</tr>
<tr>
<td>Fiscal Year 1995 Emergency Supplemental (Public Law 104–6)</td>
<td>− 100,600,000</td>
<td>−</td>
<td>+ 100,600,000</td>
<td>−</td>
</tr>
<tr>
<td>Net grand total</td>
<td>8,735,400,000</td>
<td>10,697,995,000</td>
<td>11,177,009,000</td>
<td>+ 2,441,609,000</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(8,836,000,000)</td>
<td>(10,697,995,000)</td>
<td>(11,215,995,000)</td>
<td>(+ 2,379,995,000)</td>
</tr>
<tr>
<td>Rescissions</td>
<td>(− 100,600,000)</td>
<td>−</td>
<td>(− 38,986,000)</td>
<td>(+ 61,614,000)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(133,000,000)</td>
<td>−</td>
<td>−</td>
<td>(− 133,000,000)</td>
</tr>
</tbody>
</table>

Includes the following budget amendments:

H. Doc. 104-80:

- Department of Defense—Military:
  - Family Housing:
    - Family housing improvement fund ............................................. $22,000,000
    - Family housing, Defense-wide .................................................. − $22,000,000

- Includes the following budget amendments:
<table>
<thead>
<tr>
<th>TITLE I</th>
<th>DEPARTMENT OF TRANSPORTATION</th>
<th>OFFICE OF THE SECRETARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>58,094,000</td>
<td>57,459,000</td>
</tr>
<tr>
<td>Office of Civil Rights</td>
<td>12,793,000</td>
<td>6,554,000</td>
</tr>
<tr>
<td>Transportation planning, research, and development</td>
<td>8,293,000</td>
<td>15,710,000</td>
</tr>
<tr>
<td>Office of Commercial Space Transportation: Operations and Research</td>
<td>6,060,000</td>
<td></td>
</tr>
</tbody>
</table>

| Payments to air carriers (Airport and Airway Trust Fund): |
| (Liquidation of contract authorization) | (33,423,000) | (22,600,000) | (−10,823,000) | (+22,600,000) |
| (Limitation on obligations) | (33,423,000) | (22,600,000) | (−10,823,000) | (+22,600,000) |
| Rescission of contract authority | −4,000,000 | −38,600,000 | −16,000,000 | −12,000,000 | +22,600,000 |
| Rescission | −6,786,971 | −6,786,971 | −6,786,971 | |
| Rental payments | 144,419,000 | 143,436,000 | 135,200,000 | −9,219,000 | −8,236,000 |
| Headquarters facilities | 331,000,000 | | | |
| Minority business resource center program | 1,900,000 | 1,900,000 | 1,900,000 | |
| (Limitation on direct loans) | (15,000,000) | (15,000,000) | (15,000,000) | |
| Minority business outreach | 2,900,000 | 2,900,000 | +2,900,000 | |
| ICC Sunset | 4,705,000 | | | −4,705,000 |

| Net total, Office of the Secretary | 214,766,000 | 524,516,029 | 188,176,029 | −26,589,971 | −336,340,000 |
| (Limitations on obligations) | (33,423,000) | (22,600,000) | (−10,823,000) | (+22,600,000) |

| Total budgetary resources | (248,189,000) | (524,516,029) | (210,776,029) | (−37,412,971) | (−313,740,000) |
| COAST GUARD |
| Operating expenses | 2,598,000,000 | 2,618,316,000 | 2,278,991,000 | −319,009,000 | −339,325,000 |

| Acquisition, construction, and improvements: |
| Vessels | 187,900,000 | 203,700,000 | 167,600,000 | −20,300,000 | −36,100,000 |
| Aircraft | 11,800,000 | 19,500,000 | 12,000,000 | +200,000 | −7,500,000 |
| Other equipment | 29,700,000 | 56,300,000 | 49,200,000 | +19,500,000 | −7,100,000 |
| Shore facilities and aids to navigation | 89,350,000 | 99,800,000 | 88,875,000 | −475,000 | −10,925,000 |
| Personnel and related support | 44,200,000 | 48,900,000 | 44,700,000 | +500,000 | −4,200,000 |

<p>| Total, AC&amp;I | 362,950,000 | 428,200,000 | 362,375,000 | −575,000 | −65,825,000 |
| Environmental compliance and restoration | 23,500,000 | 25,000,000 | 21,000,000 | −2,500,000 | −4,000,000 |
| Port Safety Development | 562,585,000 | 582,022,000 | 582,022,000 | +19,437,000 | ............... |
| Alteration of bridges | 64,981,000 | 64,859,000 | 62,000,000 | −2,981,000 | −2,859,000 |
| Retired pay | 25,000,000 | 20,000,000 | 20,000,000 | −5,000,000 | +20,000,000 |
| Reserve training | 320,981,000 | 320,859,000 | 320,859,000 | +1,000,000 | +1,000,000 |
| Research, development, test, and evaluation | 20,310,000 | 22,500,000 | 18,000,000 | −4,500,000 | ............... |
| Boat safety (Aquatic Resources Trust Fund) | 25,000,000 | 25,000,000 | 25,000,000 | ............... | ............... |
| Total, Coast Guard | 3,657,326,000 | 3,742,897,000 | 3,375,388,000 | −281,938,000 | −367,509,000 |
| <strong>FEDERAL AVIATION ADMINISTRATION</strong> | | | | | |
| Operations | 4,595,394,000 | 4,704,000,000 | 4,645,712,000 | +50,318,000 | −58,288,000 |
| Facilities and equipment (Airport and Airway Trust Fund) | 2,087,489,000 | 1,917,847,000 | 1,934,883,000 | −152,606,000 | +17,036,000 |
| Rescission | −35,000,000 | −60,000,000 | −25,000,000 | −60,000,000 | ............... |
| Research, engineering, and development (Airport and Airway Trust Fund) | 259,192,000 | 267,661,000 | 185,698,000 | −73,944,000 | −81,963,000 |
| Grants-in-aid for airports (Airport and Airway Trust Fund): | | | | | |
| (Liquidation of contract authorization) | (1,500,000,000) | (1,500,000,000) | (1,500,000,000) | ............... | ............... |
| (Limitation on obligations) | (1,450,000,000) | (1,450,000,000) | (1,450,000,000) | ............... | ............... |
| Aviation Insurance Revolving Fund | 148,000 | 50,000 | 50,000 | −98,000 | ............... |
| Aircraft purchase loan guarantee program (limitation on borrowing authority) | (9,970,000) | (1,600,000) | (1,600,000) | −8,370,000 | ............... |
| <strong>Net total, Federal Aviation Administration</strong> | 6,907,223,000 | 6,889,558,000 | 6,706,343,000 | −200,880,000 | −183,215,000 |
| <strong>Total budgetary resources</strong> | (8,357,223,000) | (8,389,558,000) | (8,156,343,000) | (−200,880,000) | (−233,215,000) |
| <strong>Unified transportation infrastructure investment program (limitation on obligations)</strong> | (1,500,000,000) | (1,500,000,000) | (1,500,000,000) | ............... | ............... |
| <strong>Total budgetary resources</strong> | (8,357,223,000) | (6,889,558,000) | (8,156,343,000) | (−200,880,000) | (−1,266,785,000) |
| <strong>FEDERAL HIGHWAY ADMINISTRATION</strong> | | | | | |
| Limitation on general operating expenses | (525,341,000) | (689,486,000) | (599,660,000) | −15,681,000 | −179,826,000 |
| Highway-related safety grants (Highway Trust Fund): | | | | | |
| (Liquidation of contract authorization) | (10,800,000) | (10,000,000) | (11,000,000) | (1,000,000) | (1,000,000) |
| (Limitation on obligations) | (10,800,000) | (10,000,000) | (11,000,000) | (1,000,000) | (1,000,000) |</p>
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<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriated, fiscal year 1995</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rescission of contract authority</td>
<td>−20,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal-aid highways (Highway Trust Fund):</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation on obligations)</td>
<td>(17,160,000,000)</td>
<td>(20,254,255,000)</td>
<td>(17,550,000,000)</td>
<td>(+390,000,000,000) (−2,704,255,000)</td>
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<tr>
<td>(Exempt obligations) (sec. 310)</td>
<td>(2,267,701,000)</td>
<td>(80,000,000)</td>
<td>(2,331,507,000)</td>
<td>(+63,806,000,000) (2,251,507,000)</td>
</tr>
<tr>
<td>(Liquidation of contract authorization)</td>
<td>(17,000,000,000)</td>
<td>(19,200,000,000)</td>
<td>(19,200,000,000)</td>
<td>(+2,200,000,000)</td>
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<td>Right-of-way revolving fund (Highway Trust Fund) (limitation on direct loans)</td>
<td>(42,500,000)</td>
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<tr>
<td>Motor carrier safety grants (Highway Trust Fund):</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation of contract authorization)</td>
<td>(73,000,000)</td>
<td>(68,000,000)</td>
<td>(68,000,000)</td>
<td>(−5,000,000)</td>
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<tr>
<td>Limitation on obligations</td>
<td>(74,000,000)</td>
<td>(85,000,000)</td>
<td>(77,225,000)</td>
<td>(+3,225,000,000) (−7,775,000)</td>
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<td>Surface transportation projects</td>
<td>352,055,000</td>
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<td></td>
<td></td>
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<tr>
<td>Rescission</td>
<td>−12,004,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>High priority corridor</td>
<td>6,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orange County, CA, toll road project</td>
<td>8,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Federal Highway Administration</td>
<td>334,051,000</td>
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<td></td>
<td></td>
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<tr>
<td>(Limitations on obligations)</td>
<td>(17,244,800,000)</td>
<td>(20,349,255,000)</td>
<td>(17,638,225,000)</td>
<td>(+393,425,000,000) (−2,711,030,000)</td>
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<tr>
<td>(Exempt obligations)</td>
<td>(2,267,701,000)</td>
<td>(80,000,000)</td>
<td>(2,331,507,000)</td>
<td>(+63,806,000,000) (2,251,507,000)</td>
</tr>
<tr>
<td>National Driver Register (sec. 402)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unified transportation infrastructure investment program (limitation on obligations)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total budgetary resources</td>
<td>(19,846,552,000)</td>
<td>(20,429,255,000)</td>
<td>(19,969,732,000)</td>
<td>(123,180,000,000) (−459,523,000)</td>
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<tr>
<td>Operations and research (Highway Trust Fund)</td>
<td>79,556,000</td>
<td>84,598,000</td>
<td>73,316,570</td>
<td>−6,239,430,000 (−11,281,430)</td>
</tr>
<tr>
<td>Total, Operations and research</td>
<td>126,533,000</td>
<td>144,342,000</td>
<td>125,201,000</td>
<td>−1,352,000,000 (−19,141,000)</td>
</tr>
<tr>
<td>State and community highway safety grants (sec. 402) (limitation on obligations)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Driver Register (sec. 402)</td>
<td>(151,000,000)</td>
<td>(180,000,000)</td>
<td>(155,100,000)</td>
<td>(+4,100,000,000) (−24,900,000)</td>
</tr>
</tbody>
</table>

**Total budgetary resources**

Operations and research (Highway Trust Fund) ...........................................
National Driver Register (sec. 402) (limitation on obligations) .................
### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-50—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Appropriated versus</th>
<th>Appropriated versus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alcohol-impaired driving countermeasures programs (sec. 410) (limitation on obligations)</th>
<th>(25,000,000)</th>
<th>(25,000,000)</th>
<th>(25,000,000)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, National Highway Traffic Safety Administration (Limitations on obligations)</td>
<td>126,553,000</td>
<td>144,342,000</td>
<td>125,201,000</td>
<td>(−1,352,000)</td>
</tr>
<tr>
<td>Total budgetary resources</td>
<td>(277,953,000)</td>
<td>(340,342,000)</td>
<td>(280,301,000)</td>
<td>(−2,348,000)</td>
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**FEDERAL RAILROAD ADMINISTRATION**

<table>
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<th>Appropriated versus</th>
<th>Appropriated versus</th>
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</thead>
<tbody>
<tr>
<td>Office of the Administrator (By transfer)</td>
<td>(611,950)</td>
</tr>
<tr>
<td>Local rail freight assistance</td>
<td>17,000,000</td>
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<tr>
<td>Rescission</td>
<td>−6,563,000</td>
</tr>
<tr>
<td>Railroad safety</td>
<td>47,729,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>−6,563,000</td>
</tr>
<tr>
<td>Northeast corridor improvement program</td>
<td>200,000,000</td>
</tr>
<tr>
<td>Next generation high speed rail</td>
<td>20,000,000</td>
</tr>
<tr>
<td>Trust fund share of next generation high speed rail (Highway Trust Fund): (Liquidation of contract authorization)</td>
<td>(3,400,000)</td>
</tr>
<tr>
<td>Alaska Railroad rehabilitation</td>
<td>(10,000,000)</td>
</tr>
<tr>
<td>Pennsylvania station redevelopment project</td>
<td>−40,000,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>−40,000,000</td>
</tr>
<tr>
<td>Rhode Island Rail Development</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Grants to the National Railroad Passenger Corporation: Operations</td>
<td>542,000,000</td>
</tr>
<tr>
<td>Transition costs</td>
<td>251,500,000</td>
</tr>
<tr>
<td>Capital</td>
<td>100,000,000</td>
</tr>
<tr>
<td>Long-term restructuring transition</td>
<td>100,000,000</td>
</tr>
<tr>
<td>Total, Grants to the National Railroad Passenger Corporation</td>
<td>793,500,000</td>
</tr>
<tr>
<td>Total, Federal Railroad Administration (Limitations on obligations)</td>
<td>1,110,256,000</td>
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<tr>
<td>Total budgetary resources</td>
<td>(1,115,256,000)</td>
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</tbody>
</table>
### Unified transportation infrastructure invest program

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,045,000,000</td>
<td>873,692,000</td>
<td>1,045,000,000</td>
<td>+21,564,000 (721,271,000)</td>
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</table>

### Total budgetary resources

<table>
<thead>
<tr>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
</tr>
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<tbody>
<tr>
<td>1,115,256,000</td>
<td>152,421,000</td>
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#### FEDERAL TRANSIT ADMINISTRATION

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<th>Category</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td><strong>Administrative expenses</strong></td>
<td>43,060,000</td>
<td>44,202,000</td>
<td>42,000,000</td>
<td>−1,060,000</td>
</tr>
<tr>
<td><strong>Formula grants</strong></td>
<td>640,000,000</td>
<td>1,244,200,000</td>
<td>542,925,000</td>
<td>−97,075,000</td>
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<tr>
<td><strong>Operating assistance grants</strong></td>
<td>710,000,000</td>
<td>500,000,000</td>
<td>400,000,000</td>
<td>−310,000,000</td>
</tr>
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</table>

**Total** 1,350,000,000

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<th>Appropriated versus estimates</th>
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<tr>
<td>1,744,200,000</td>
<td>942,925,000</td>
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</table>

#### Formula grants (Highway Trust Fund) (limitation on obligations)

<table>
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<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,150,000,000</td>
<td>1,110,000,000</td>
<td>1,120,850,000</td>
<td>−40,000,000 (−10,850,000)</td>
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</tbody>
</table>

### Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,120,850,000</td>
<td>1,120,850,000</td>
<td>1,120,850,000</td>
<td>−29,150,000 (−59,944,000)</td>
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</table>

### Discretionary grants (Highway Trust Fund) (limitation on obligations):

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,724,944,000</td>
<td>1,665,000,000</td>
<td>1,724,944,000</td>
<td>−60,000,000 (−59,944,000)</td>
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</table>

### Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)

<table>
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<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,500,000,000</td>
<td>2,000,000,000</td>
<td>1,700,000,000</td>
<td>+500,000,000 (300,000,000)</td>
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</table>

### Interstate transfer grants—Transit

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
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<td>48,030,000</td>
<td>48,030,000</td>
<td>48,030,000</td>
<td>−80,000,000 (−59,944,000)</td>
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### Washington Metropolitan Area Transit Authority

<table>
<thead>
<tr>
<th>Appropriated, fiscal year 1996</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
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<td>200,000,000</td>
<td>200,000,000</td>
<td>200,000,000</td>
<td>−80,000,000 (−59,944,000)</td>
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### Violent crime reduction program (Violent Crime Trust Fund)

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<th>Budget estimates, fiscal year 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
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<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>−5,000,000 (−59,944,000)</td>
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### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–50—Continued

[Amounts in dollars]

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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, Federal Transit Administration (Limitations on obligations)</td>
<td>1,739,340,000</td>
<td>2,159,373,000</td>
<td>2,176,425,000</td>
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<tr>
<td>Total budgetary resources</td>
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<td></td>
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<tr>
<td>Unified transportation infrastructure invest program (Limitations on obligations)</td>
<td>(4,614,340,000)</td>
<td>(5,005,167,000)</td>
<td>(4,051,425,000)</td>
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<tr>
<td>Total budgetary resources</td>
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<td></td>
</tr>
<tr>
<td>SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION</td>
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<tr>
<td>Operations and maintenance (Harbor Maintenance Trust Fund)</td>
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<td>10,243,000</td>
<td>10,150,000</td>
<td>−101,000 (−93,000)</td>
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<td>RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION</td>
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<td>Research and special programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Hazardous materials safety</td>
<td>26,238,000</td>
<td>31,662,000</td>
<td>23,937,000</td>
<td>−2,301,000 (−132,000)</td>
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<tr>
<td>Aviation information management</td>
<td>(12,897,000)</td>
<td>(12,782,000)</td>
<td>(12,650,000)</td>
<td>(−247,000) (−120,000)</td>
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<tr>
<td>Emergency transportation</td>
<td>(2,453,000)</td>
<td>(2,282,000)</td>
<td>(2,022,000)</td>
<td>(−2,453,000) (−2,282,000)</td>
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<td>Research and technology</td>
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<td>(1,301,000)</td>
<td>(1,302,000)</td>
<td>(−304,000) (−279,000)</td>
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<td>Program and administrative support</td>
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<td>(7,604,000)</td>
<td>(7,388,000)</td>
<td>(758,000) (−305,000)</td>
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<td>Accountwide adjustment</td>
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<td>Pipeline safety (Pipeline Safety Fund)</td>
<td>34,991,500</td>
<td>39,720,000</td>
<td>28,750,000</td>
<td>−6,241,500 (−10,970,000)</td>
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<td>Pipeline safety (Oil Spill Liability Trust Fund)</td>
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<td>2,698,000</td>
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<td>Total, Pipeline safety</td>
<td>37,424,000</td>
<td>42,418,000</td>
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<td>−5,976,000 (−10,970,000)</td>
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<td>Alaska Pipeline Task Force (Oil Spill Liability Trust Fund) (rescission)</td>
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<td>+544,000</td>
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<td>Emergency preparedness grants:</td>
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<tr>
<td>Emergency preparedness fund (Limitations on obligations)</td>
<td>(10,800,000)</td>
<td>(11,338,000)</td>
<td>(8,890,000)</td>
<td>(−1,910,000) (−2,448,000)</td>
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<td>Total, Research and Special Programs Administration (Limitations on obligations)</td>
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<td>74,480,000</td>
<td>55,785,000</td>
<td>−7,333,000 (−18,695,000)</td>
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<td>Total budgetary resources</td>
<td>(74,318,000)</td>
<td>(85,818,000)</td>
<td>(64,675,000)</td>
<td>(−9,643,000) (−21,143,000)</td>
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<td>OFFICE OF INSPECTOR GENERAL</td>
<td>Enacted, fiscal year 1995</td>
<td>Budget estimates, fiscal year 1996</td>
<td>Appropriated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------</td>
<td>------------------------------------</td>
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<td>Salaries and expenses</td>
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<td>40,238,000</td>
<td>40,238,000</td>
<td>+ 238,000</td>
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</tbody>
</table>

**BUREAU OF TRANSPORTATION STATISTICS**

| Salaries and expenses       |                         | 2,200,000                          | + 2,200,000                 | + 2,200,000                |

**GENERAL PROVISIONS**

| Reduction in working capital fund (sec. 330) | −7,000,000            | −7,500,000                         | −500,000                    | −7,500,000                |
| Reduction in bonuses and cash awards (sec. 331) | −4,650,000           | −749,852                           | + 3,900,148                 | −749,852                 |
| (Portion derived from Trust Funds)            | (− 940,000)          | (− 940,000)                        | (− 940,000)                 | (− 940,000)              |
| Bureau of Transportation Statistics (transfer from Federal-aid Highways) | (15,000,000)         | (20,000,000)                       | (− 5,000,000)               | (− 5,000,000)            |
| DOT field office consolidation (sec. 335)     |                         | −25,000,000                        | −25,000,000                 | −25,000,000              |
| ICC transition (sec. 344)                     |                         | 8,421,000                          | + 8,421,000                 | + 8,421,000              |
| Federal-aid highways (sec. 310(e))            | −574,341,000          | −574,341,000                       | + 574,341,000               | + 574,341,000            |
| Procurement reduction (sec. 323(a))           | −65,120,000           | −3,000,000                         | + 65,120,000                | + 65,120,000             |
| Federal railroad transfer                     | 3,000,000             |                                    | −3,000,000                  | −3,000,000               |
| Total, General provisions                     | −73,770,000           | −574,341,000                       | −24,828,852                 | + 48,941,148             | + 549,512,148 |

**Appropriations**

| Appropriations                               | 14,129,514,000         | 14,203,727,029                     | 12,623,769,177              | −1,505,744,823           | −1,579,957,852 |
| Rescissions                                  | (14,247,625,000)       | (14,249,114,000)                   | (12,706,556,148)            | (−1,541,068,852)         | (−1,542,557,852) |
| (Limitations on obligations)                 | (−118,111,000)        | (−45,386,971)                      | (−82,786,971)               | (−35,324,029)            | (−37,400,000)   |
| (Exempt obligations)                         | (21,770,423,000)      | (24,907,387,000)                   | (22,054,815,000)            | (24,392,976,000)         | (24,392,976,000) |

**Rescissions**

| Rescissions                                  | 3,199,373,000          | 3,199,373,000                      | (−3,199,373,000)            | (−3,199,373,000)         | (−3,199,373,000) |

**Unified transportation infrastructure invest program**

| Unified transportation infrastructure invest program | 24,392,976,000 | 24,392,976,000 | (−24,392,976,000) | (−24,392,976,000) | (−24,392,976,000) |

**Total budgetary resources**

| Total budgetary resources                     | (38,167,638,000)      | (39,191,144,029)                   | (37,010,091,177)            | (−1,157,546,823)         | (−2,181,022,852) |

**Adjustments made for unified program**

| Adjustments made for unified program           | −3,199,373,000        | −3,199,373,000                     | −3,199,373,000              | −3,199,373,000           | −3,199,373,000   |

(|Limitation on obligations| −24,420,105,000| −24,420,105,000| −24,420,105,000| −24,420,105,000| −24,420,105,000|)
### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–50—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>TITLE II</th>
<th>RELATED AGENCIES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD</strong></td>
<td></td>
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<tr>
<td>Salaries and expenses</td>
<td>3,350,000</td>
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<td><strong>NATIONAL TRANSPORTATION SAFETY BOARD</strong></td>
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<tr>
<td>Salaries and expenses</td>
<td>37,392,000</td>
</tr>
<tr>
<td>Emergency fund</td>
<td>360,802</td>
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<td><strong>Total</strong></td>
<td>37,392,000</td>
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<tr>
<td><strong>INTERSTATE COMMERCE COMMISSION</strong></td>
<td></td>
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<tr>
<td>Salaries and expenses</td>
<td>30,302,000</td>
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<tr>
<td>ICC termination pay (sec. 337)</td>
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<td>Payments for directed rail service (limitation on obligations)</td>
<td>(475,000)</td>
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<tr>
<td><strong>Total budgetary resources</strong></td>
<td>(33,677,000)</td>
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<tr>
<td><strong>PANAMA CANAL COMMISSION</strong></td>
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<tr>
<td>Panama Canal Revolving Fund:</td>
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</tr>
<tr>
<td>(Limitation on administrative expenses)</td>
<td>(50,030,000)</td>
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<tr>
<td>(Limitation on operating and capital expenses)</td>
<td>(540,000,000)</td>
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<tr>
<td><strong>WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY</strong></td>
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</tr>
<tr>
<td>Interest payments and repayments of principal</td>
<td>9,193,000</td>
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<tr>
<td><strong>Total, title II, Related Agencies</strong></td>
<td>83,137,000</td>
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<tr>
<td><strong>Total budgetary resources</strong></td>
<td>(83,612,000)</td>
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<tr>
<td><strong>Net total appropriations</strong></td>
<td>14,212,651,000</td>
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</table>

Other provisions affecting the bill:
- FHA: Federal-aid highways (Public Law 104–19) | 382,190,000 | 382,190,000 | +382,190,000 |
- Permissive transfer (Coast Guard to FAA) | (60,000,000) | (60,000,000) | (+60,000,000) |
- Railroad Safety inspection fees (legislation required) | −893,000 | −893,000 | +893,000 |
### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-50—Continued

![Amounts in dollars](https://example.com)

<table>
<thead>
<tr>
<th>Item</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Offsets</td>
<td>−20,046,000</td>
<td>−20,046,000</td>
<td>+20,046,000</td>
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<tr>
<td>St. Lawrence Seaway Tolls (loss of receipts)</td>
<td>9,570,000</td>
<td>9,570,000</td>
<td>−9,570,000</td>
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<tr>
<td>Net effect of rescission bill (Public Law 104–19)</td>
<td>−2,650,173,000</td>
<td>−2,650,173,000</td>
<td>+2,650,173,000</td>
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<tr>
<td>Total adjustments</td>
<td>−2,660,649,000</td>
<td>381,297,000</td>
<td>382,190,000</td>
<td>+3,042,839,000</td>
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<td></td>
<td></td>
<td>+893,000</td>
</tr>
<tr>
<td>Net grand total</td>
<td>11,552,002,000</td>
<td>35,850,261,831</td>
<td>13,061,972,979</td>
<td>+1,509,970,979</td>
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<tr>
<td>Appropriations</td>
<td>(11,670,113,000)</td>
<td>(35,895,648,802)</td>
<td>(13,144,759,950)</td>
<td>(−1,474,646,950)</td>
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<tr>
<td>Rescissions</td>
<td>(−118,111,000)</td>
<td>(−45,386,971)</td>
<td>(−82,786,971)</td>
<td>(−35,324,029)</td>
</tr>
<tr>
<td>(Limitations on obligations)</td>
<td>(21,770,898,000)</td>
<td>(487,757,000)</td>
<td>(22,055,290,000)</td>
<td>(−284,392,000)</td>
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<tr>
<td>(Exempt obligations)</td>
<td>(2,267,701,000)</td>
<td>(80,000,000)</td>
<td>(2,331,507,000)</td>
<td>(−63,806,000)</td>
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<tr>
<td>Net grand total budgetary resources</td>
<td>(35,590,601,000)</td>
<td>(36,418,018,831)</td>
<td>(37,448,769,979)</td>
<td>(−1,858,168,979)</td>
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<td>(−1,030,751,148)</td>
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</table>

Includes the following budget amendments:

H. Doc. 104–63:
- Department of Transportation:
  - Infrastructure Investment: Unified transportation infrastructure investment program ................................................. $24,392,976,000
- Federal Highway Administration:
  - Motor carrier safety .............................................................................................................................. 50,000,000
- Federal-aid highways (limitation on obligations) ................................................................................................. (−20,054,253,000)
- Limitation on general operating expenses ........................................................................................................ (−689,486,000)
- Federal Railroad Administration:
  - Grants to the National Railroad Passenger Corporation ..................................................................................... −750,000,000
  - Rhode Island rail development ............................................................................................................................ −10,000,000
  - Pennsylvania Station redevelopment project ......................................................................................................... −50,000,000
  - Northeast corridor improvement program .............................................................................................................. −235,000,000
- Federal Transit Administration:
  - Formula grants .................................................................................................................................................... −1,744,200,000
  - University transportation centers ........................................................................................................................... −6,000,000
  - Administrative expenses ............................................................................................................................................. −44,202,000
  - Discretionary grants .................................................................................................................................................. −59,944,000
  - Washington metropolitan area transit authority ...................................................................................................... −200,000,000
  - Discretionary grants (limitation on obligations) ................................................................................................... (−1,724,944,000)

Trust fund share of expenses (liquidation of contract authorization) .................................................................................. (−1,120,850,000)
- Transit planning and research ............................................................................................................................... −100,027,000
- Federal Aviation Administration:
  - Grants-in-aid for airports (liquidation of contract authorization) ........................................................................ (−1,500,000,000)
  - Operations ................................................................................................................................................................. 6,541,000
- Office of the Secretary:
  - Salaries and expenses .............................................................................................................................................. 4,705,000
  - Other Independent Agencies:
    - Interstate Commerce Commission: Salaries and expenses ......................................................................................... −4,358,000
- H. Doc. 104–106:
  - Department of Transportation:
    - Federal Aviation Administration: Facilities and equipment (Airport and airway trust fund) ........................................... 10,000,000
    - Office of the Secretary: Rental payments ........................................................................................................... −2,000,000

Total .............................................................................................................................................................................. 21,251,950,000
### TITLE I—DEPARTMENT OF THE TREASURY

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Offices</td>
<td>104,379,000</td>
<td>120,408,000</td>
<td>105,929,000</td>
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<td>Treasury Buildings and Annex Repair and Restoration</td>
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<td></td>
<td>21,491,000</td>
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<tr>
<td>Office of Inspector General</td>
<td>29,700,000</td>
<td>31,864,000</td>
<td>29,319,000</td>
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<td>Treasury Forfeiture Fund (limitation on availability of deposits)</td>
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<td>15,000,000</td>
<td>10,000,000</td>
<td>−5,000,000</td>
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<td>Financial Crimes Enforcement Network</td>
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<td>22,198,000</td>
<td>22,198,000</td>
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<td>Federal Law Enforcement Training Center:</td>
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<tr>
<td>Salaries and Expenses</td>
<td>58,813,000</td>
<td>38,528,000</td>
<td>36,070,000</td>
<td>−22,743,000</td>
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<tr>
<td>Transfers of unobligated balances</td>
<td>(11,000,000)</td>
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<td>(−11,000,000)</td>
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<td>Acquisition, Construction, Improvements, and Related Expenses</td>
<td>5,815,000</td>
<td>8,163,000</td>
<td>9,663,000</td>
<td>+3,848,000</td>
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<tr>
<td>Total, Federal Law Enforcement Training Center</td>
<td>64,628,000</td>
<td>46,691,000</td>
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<td>Foreign Law Enforcement</td>
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<td>Financial Management Service</td>
<td>183,729,000</td>
<td>189,259,000</td>
<td>184,300,000</td>
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<td>Bureau of Alcohol, Tobacco and Firearms</td>
<td>420,138,000</td>
<td>435,185,000</td>
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<td>United States Customs Service:</td>
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<td>Salaries and Expenses</td>
<td>1,395,793,000</td>
<td>1,395,970,000</td>
<td>1,387,153,000</td>
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<td>(By transfer)</td>
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<td>(1,200,000)</td>
<td>(−13,200,000)</td>
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<tr>
<td>Operation and Maintenance, Air and Marine Interdiction Programs</td>
<td>89,041,000</td>
<td>60,993,000</td>
<td>64,843,000</td>
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<td>Unobligated balances carried forward (non-add)</td>
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<td>(19,733,000)</td>
<td>(19,733,000)</td>
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<td>Customs Facilities, Construction, Improvements and Related Expenses</td>
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<td>Total, United States Customs Service (to be derived from fees collected)</td>
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<td>1,406,000</td>
<td>1,406,000</td>
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<tr>
<td>United States Mint</td>
<td>55,740,000</td>
<td>58,261,000</td>
<td>58,261,000</td>
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<td>Bureau of the Public Debt</td>
<td>183,458,000</td>
<td>176,965,000</td>
<td>170,000,000</td>
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<td>Reduced as fees are collected</td>
<td>−3,100,000</td>
<td></td>
<td>−3,100,000</td>
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<tr>
<td>Total</td>
<td>180,358,000</td>
<td>176,965,000</td>
<td>170,000,000</td>
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## Payment of Government Losses in Shipment (indefinite)

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<tr>
<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>Payment of Government Losses in Shipment (indefinite)</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
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## Internal Revenue Service:

### Administration and Management

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<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td>Administration and Management</td>
<td>225,632,000</td>
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### Processing, Assistance, and Management

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<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Tax Law Enforcement</td>
<td>4,385,459,000</td>
<td>4,524,351,000</td>
<td>4,097,294,000</td>
<td>−288,165,000</td>
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### Information Systems

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td>Information Systems</td>
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<td>1,781,252,000</td>
<td>1,527,154,000</td>
<td>+140,644,000</td>
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### User fee receipts

<table>
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<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>User fee receipts</td>
<td>−27,600,000</td>
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</table>

## Total, Internal Revenue Service

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Total, Internal Revenue Service</td>
<td>7,481,267,000</td>
<td>8,110,645,000</td>
<td>7,348,212,000</td>
<td>−133,055,000</td>
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## United States Secret Service

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>United States Secret Service</td>
<td>483,606,000</td>
<td>579,628,000</td>
<td>531,944,000</td>
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</table>

## Violent Crime Reduction Programs:

### Departmental Offices

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Departmental Offices</td>
<td>2,400,000</td>
<td>4,850,000</td>
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### Financial Crimes Enforcement Network

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td></td>
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<tr>
<td>Financial Crimes Enforcement Network</td>
<td>2,700,000</td>
<td>2,221,000</td>
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### Internal Revenue Service: Tax Law Enforcement

<table>
<thead>
<tr>
<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Internal Revenue Service: Tax Law Enforcement</td>
<td>7,000,000</td>
<td>19,049,000</td>
<td>−12,049,000</td>
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### United States Customs Service

<table>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>United States Customs Service</td>
<td>4,000,000</td>
<td>4,685,000</td>
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### Bureau of Alcohol, Tobacco and Firearms

<table>
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<tr>
<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
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<td>Bureau of Alcohol, Tobacco and Firearms</td>
<td>7,000,000</td>
<td>25,305,000</td>
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### United States Secret Service

<table>
<thead>
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<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<tr>
<td>United States Secret Service</td>
<td>6,600,000</td>
<td>9,800,000</td>
<td>−3,200,000</td>
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### Federal Law Enforcement Training Center

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<tr>
<td>Federal Law Enforcement Training Center</td>
<td>9,000,000</td>
<td>72,000,000</td>
<td>−63,000</td>
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</table>

### Gang Resistance Education and Training: Grants

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Gang Resistance Education and Training: Grants</td>
<td>38,700,000</td>
<td>78,200,000</td>
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### Procurement reform

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td>Procurement reform</td>
<td>−33,437,000</td>
<td>37,814,000</td>
<td>−71,251,000</td>
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</table>

### Total, Violent Crime Reduction Programs

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Total, Violent Crime Reduction Programs</td>
<td>38,700,000</td>
<td>76,514,000</td>
<td>+37,814,000</td>
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</table>

### Total, title I, Department of the Treasury

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Total, title I, Department of the Treasury</td>
<td>10,531,371,000</td>
<td>11,340,663,000</td>
<td>10,380,513,000</td>
<td>−150,858,000</td>
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## TITLE II—POSTAL SERVICE

### Payment to the Postal Service Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>Payment to the Postal Service Fund</td>
<td>92,317,000</td>
<td>109,094,000</td>
<td>85,080,000</td>
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</table>

### Payment to the Postal Service Fund for Nonfunded Liabilities

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>Payment to the Postal Service Fund for Nonfunded Liabilities</td>
<td>37,776,000</td>
<td>36,828,000</td>
<td>+948,000</td>
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</table>

### Total, title II, Postal Service

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>Total, title II, Postal Service</td>
<td>130,093,000</td>
<td>145,922,000</td>
<td>121,908,000</td>
<td>−8,185,000</td>
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</table>
### TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
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<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>250,000</td>
<td>250,000</td>
<td>−563,000</td>
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<tr>
<td></td>
<td></td>
<td>250,000</td>
<td>250,000</td>
<td>−734,000</td>
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<tr>
<td>Compensation of the President</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
</tr>
<tr>
<td>The White House Office</td>
<td>40,022,000</td>
<td>40,193,000</td>
<td>39,459,000</td>
<td>+2,200,000</td>
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<tr>
<td>Executive Residence at the White House:</td>
<td>324,000</td>
<td>324,000</td>
<td>324,000</td>
<td>324,000</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>7,827,000</td>
<td>7,827,000</td>
<td>7,827,000</td>
<td>7,827,000</td>
</tr>
<tr>
<td>White House Repair and Restoration</td>
<td>2,200,000</td>
<td>2,200,000</td>
<td>2,200,000</td>
<td>2,200,000</td>
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<tr>
<td>Special Assistance to the President</td>
<td>3,280,000</td>
<td>3,280,000</td>
<td>3,280,000</td>
<td>3,280,000</td>
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<tr>
<td>Council of Economic Advisers</td>
<td>3,439,000</td>
<td>3,439,000</td>
<td>3,180,000</td>
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<tr>
<td>Office of Policy Development</td>
<td>5,058,000</td>
<td>3,867,000</td>
<td>3,867,000</td>
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<td>National Security Council</td>
<td>6,648,000</td>
<td>6,648,000</td>
<td>6,648,000</td>
<td>6,648,000</td>
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<tr>
<td>Office of Administration</td>
<td>26,217,000</td>
<td>26,100,000</td>
<td>25,736,000</td>
<td>−481,000</td>
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<tr>
<td>Procurement reform</td>
<td>−117,000</td>
<td>−117,000</td>
<td>−117,000</td>
<td>−117,000</td>
</tr>
<tr>
<td>Office of Management and Budget</td>
<td>57,754,000</td>
<td>56,272,000</td>
<td>55,573,000</td>
<td>−2,181,000</td>
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<tr>
<td>Information Security Oversight Office</td>
<td>1,482,000</td>
<td>1,482,000</td>
<td>1,482,000</td>
<td>1,482,000</td>
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<tr>
<td>Office of National Drug Control Policy</td>
<td>9,924,000</td>
<td>9,924,000</td>
<td>23,500,000</td>
<td>+13,558,000</td>
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<tr>
<td>Unanticipated Needs</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<td>Federal Drug Control Programs:</td>
<td>107,000,000</td>
<td>110,000,000</td>
<td>103,000,000</td>
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<tr>
<td>High Intensity Drug Trafficking Areas Program</td>
<td>41,900,000</td>
<td>37,000,000</td>
<td>37,000,000</td>
<td>37,000,000</td>
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<tr>
<td>Special Forfeiture Fund</td>
<td>−4,000,000</td>
<td>−4,000,000</td>
<td>−4,000,000</td>
<td>−4,000,000</td>
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<tr>
<td>Transfer to other agencies:</td>
<td>−13,200,000</td>
<td>−13,200,000</td>
<td>−13,200,000</td>
<td>−13,200,000</td>
</tr>
<tr>
<td>El Paso Intelligence Center</td>
<td>(18,100,000)</td>
<td>(18,100,000)</td>
<td>(18,100,000)</td>
<td>(18,100,000)</td>
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<tr>
<td>SAMSHA</td>
<td>(14,000,000)</td>
<td>(14,000,000)</td>
<td>(14,000,000)</td>
<td>(14,000,000)</td>
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<tr>
<td>CTAC (R&amp;D)</td>
<td>(8,000,000)</td>
<td>(8,000,000)</td>
<td>(8,000,000)</td>
<td>(8,000,000)</td>
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<tr>
<td>ONDCP Director Discretion</td>
<td>(10,000,000)</td>
<td>(10,000,000)</td>
<td>(10,000,000)</td>
<td>(10,000,000)</td>
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<tr>
<td>United States Customs Service</td>
<td>(13,200,000)</td>
<td>(13,200,000)</td>
<td>(13,200,000)</td>
<td>(13,200,000)</td>
</tr>
<tr>
<td>Total, Federal Drug Control Programs</td>
<td>148,900,000</td>
<td>147,000,000</td>
<td>103,000,000</td>
<td>−45,900,000</td>
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<tr>
<td>(Transfer to other agencies)</td>
<td>(55,100,000)</td>
<td>(55,100,000)</td>
<td>(55,100,000)</td>
<td>(55,100,000)</td>
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<tr>
<td>Total, title III, Executive Office of the President and funds appropriated to the President</td>
<td>310,544,000</td>
<td>309,824,000</td>
<td>275,844,000</td>
<td>−34,700,000</td>
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### TITLE IV—INDEPENDENT AGENCIES

<table>
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<tr>
<th>Appropriation</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<tbody>
<tr>
<td>Advisory Commission on Intergovernmental Relations</td>
<td>1,000,000</td>
<td>1,400,000</td>
<td>784,000</td>
<td>−216,000</td>
<td>−216,000</td>
<td>−616,000</td>
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<td>Administrative Conference of the United States</td>
<td>1,800,000</td>
<td>2,259,000</td>
<td>600,000</td>
<td>−1,200,000</td>
<td>−1,200,000</td>
<td>−1,659,000</td>
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<tr>
<td>Committee for Purchase from People Who Are Blind or Severely Disabled</td>
<td>1,682,000</td>
<td>1,800,000</td>
<td>1,800,000</td>
<td>+118,000</td>
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<tr>
<td>Federal Election Commission</td>
<td>25,710,000</td>
<td>29,021,000</td>
<td>26,521,000</td>
<td>+811,000</td>
<td>−2,500,000</td>
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<td>Federal Labor Relations Authority</td>
<td>21,341,000</td>
<td>22,230,000</td>
<td>20,542,000</td>
<td>−799,000</td>
<td>−1,688,000</td>
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<td>General Services Administration:</td>
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<td>Federal Buildings Fund:</td>
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<tr>
<td>Appropriation</td>
<td>310,197,000</td>
<td>−259,112,000</td>
<td>86,000,000</td>
<td>−224,197,000</td>
<td>+345,112,000</td>
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<tr>
<td>Rescissions</td>
<td>(−715,532,000)</td>
<td>(−55,000,000)</td>
<td>(−660,532,000)</td>
<td>(−55,000,000)</td>
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<tr>
<td>Limitations on availability of revenue:</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Construction and acquisition of facilities</td>
<td>(604,002,000)</td>
<td>(545,002,000)</td>
<td>(−59,000,000)</td>
<td>(+545,002,000)</td>
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<td></td>
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<tr>
<td>Alfred P. Murrah Federal Office Building</td>
<td>(−40,400,000)</td>
<td>(−40,000,000)</td>
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<tr>
<td>Repairs and alterations</td>
<td>(723,864,000)</td>
<td>(911,000,000)</td>
<td>(−187,136,000)</td>
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<td>Installment acquisition payments</td>
<td>(127,531,000)</td>
<td>(181,963,000)</td>
<td>(−54,432,000)</td>
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<td>Rental of space</td>
<td>(2,181,300,000)</td>
<td>(2,339,000,000)</td>
<td>(−157,700,000)</td>
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<tr>
<td>Building operations</td>
<td>(1,322,025,000)</td>
<td>(1,302,551,000)</td>
<td>(−19,474,000)</td>
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<tr>
<td>Transfer to Construction and Acquisition</td>
<td>(554,813,000)</td>
<td>(554,813,000)</td>
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<td></td>
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<tr>
<td>Repayment of Debt</td>
<td>(73,433,000)</td>
<td>(73,433,000)</td>
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<td></td>
</tr>
<tr>
<td>Emergency funding</td>
<td>(−66,800,000)</td>
<td>(2,305)</td>
<td>(−66,802,305)</td>
<td>(−2,305)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Federal Buildings Fund</td>
<td>310,197,000</td>
<td>86,000,000</td>
<td>−224,197,000</td>
<td>+345,112,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitations)</td>
<td>(4,932,322,000)</td>
<td>(5,412,760,000)</td>
<td>(5,066,151,305)</td>
<td>(133,829,305)</td>
<td>(−346,608,695)</td>
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<td>Real Property Activities:</td>
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<td>989,418,000</td>
<td></td>
<td>−989,418,000</td>
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<tr>
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<td>(554,813,000)</td>
<td>(554,813,000)</td>
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<tr>
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<td>1,017,213,000</td>
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<td>5,000,000</td>
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<td>Subtotal</td>
<td>(1,022,213,000)</td>
<td>(1,022,213,000)</td>
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## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–52—Continued

[Amounts in dollars]

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<th>GSA operations:</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Policy and Oversight</td>
<td>111,827,000</td>
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<td>119,091,000</td>
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<td>165,705,000</td>
<td>119,091,000</td>
<td>− 10,945,000</td>
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<td>119,091,000</td>
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<td>2,181,000</td>
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<td>− 34,000</td>
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<td>Procurement reform</td>
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<td>+ 8,959,000</td>
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<tr>
<td></td>
<td>932,599,000</td>
<td>240,546,000</td>
<td>+ 226,033,000</td>
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<td>466,579,000</td>
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<td>+ 226,033,000</td>
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| John F. Kennedy Assassination Record Review Board | 2,150,000 | 2,150,000 | + 268,000 | − 268,000 |

| Merit Systems Protection Board: | 24,549,000 | 24,549,000 | + 4,395,000 | + 4,342,000 |

| Policy Foundation               | (2,430,000) | (2,430,000) | + 180,000 |
| Procurement reform              | − 325,000   | − 4,012,000 | − 320,000 |
| Archives Facilities and Presidential Libraries Repairs and Restoration | 1,500,000 | 1,500,000 | + 1,500,000 | + 1,500,000 |
| National Historical Publications and Records Commission: Grants program | 9,000,000 | 5,000,000 | − 4,000,000 | + 1,000,000 |
| Office of Government Ethics     | 8,104,000   | 8,328,000   | − 328,000 | − 552,000 |

| Office of Personnel Management: | 111,999,000 | 108,572,000 | 88,000,000 | − 23,999,000 | − 20,572,000 |
| Salaries and Expenses           | 102,536,000 | 102,536,000 | + 8,602,000 | + 8,602,000 |
| (Limitation on administrative expenses) | 93,934,000 | (102,536,000) | \( (−8,602,000) \) |
| Office of Inspector General     | 4,009,000   | 4,037,000   | 4,009,000   | − 28,000 |
| (Limitation on administrative expenses) | 6,156,000 | (6,181,000) | + 25,000 |
| Office of Government Ethics     | 8,328,000   | 7,776,000   | − 328,000   | − 552,000 |
| (limitation on administrative expenses) | 753,000 | (993,000) | + 240,000 |

| Office of Personnel Management: | 4,210,560,000 | 3,746,337,000 | 3,746,337,000 | − 464,223,000 | − 464,223,000 |
| Government Payment for Annuitants, Employees Health Benefits | 3,746,337,000 | 3,746,337,000 | + 4,488,000 | + 4,488,000 |
| Government Payment for Annuitants, Employee Life Insurance | 32,647,000 | 32,647,000 | + 4,488,000 | + 4,488,000 |
| Payment to Civil Service Retirement and Disability Fund | 7,339,638,000 | 7,945,998,000 | 7,945,998,000 | + 606,360,000 | + 606,360,000 |
| Employees Life Insurance Fund (limitation on administrative expenses) | 753,000 | (993,000) | + 240,000 | + 240,000 |
TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996, PUBLIC LAW 104–52—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
<th>Appropriated versus enacted</th>
<th>Appropriated versus estimates</th>
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<td>(−81,000)</td>
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<td>+1,256,000</td>
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<td>33,269,000</td>
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<td>12,385,489,000</td>
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<td>Total appropriations</td>
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<td>Other adjustments affecting the bill:</td>
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<td>Funding for IRS compliance</td>
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<td></td>
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<td>GSA: Federal building fund</td>
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<td>+580,412,000</td>
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<td>Bureau of the Public Debt</td>
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<td></td>
<td>+1,500,000</td>
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<td>−191,910,000</td>
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<td>Total, adjustments</td>
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<td>−197,910,000</td>
<td>+587,652,000</td>
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<td></td>
<td>(5,105,526,000)</td>
<td>(6,547,113,000)</td>
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<td>National Archives and Records Administration: Information security oversight office</td>
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<tr>
<td>Department of the Treasury</td>
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<tr>
<td>Federal Law Enforcement Training Center: Salaries and expenses</td>
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<td>United States Customs Service: Salaries and expenses</td>
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<td>United States Secret Service: Salaries and expenses</td>
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1 Informational purposes only. No bill language provided.
<p>| VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996, PUBLIC LAW 104-134 |
| [Amounts in dollars] |
| | Title 1 | DEPARTMENT OF VETERANS AFFAIRS |
| | Veterans Benefits Administration |
| Compensation and pensions | 17,626,892,000 | 18,331,561,000 | 18,331,561,000 | +704,669,000 |
| Readjustment benefits | 1,286,600,000 | 1,345,300,000 | 1,345,300,000 | +58,700,000 |
| Veterans insurance and indemnities | 24,760,000 | 24,890,000 | 24,890,000 | +130,000 |
| Guaranty and indemnity program account (indefinite) | 507,095,000 | 504,122,000 | 504,122,000 | -2,973,000 |
| Negative subsidy for guaranteed loans | -185,500,000 | -185,500,000 | -185,500,000 | |
| Administrative expenses | 65,226,000 | 78,085,000 | 65,226,000 | |
| Loan guaranty program account (indefinite) | 43,939,000 | 22,950,000 | 22,950,000 | -20,989,000 |
| Administrative expenses | 59,371,000 | 52,138,000 | 52,138,000 | -7,233,000 |
| Direct loan program account (indefinite) | 25,000 | 28,000 | 28,000 | +3,000 |
| (Limitation on direct loans) | (1,000,000) | (300,000) | (300,000) | |
| Administrative expenses | 1,020,000 | 459,000 | 459,000 | -561,000 |
| Education loan fund program account | 1,061 | 1,093 | 1,000 | -61 |
| (Limitation on direct loans) | (4,034) | (4,120) | (4,000) | (34) |
| Administrative expenses | 195,000 | 203,000 | 195,000 | -8,000 |
| Vocational rehabilitation loans program account | 54,000 | 56,000 | 56,000 | -2,000 |
| (Limitation on direct loans) | (1,964,000) | (2,022,000) | (1,964,000) | (58,000) |
| Administrative expenses | 767,000 | 377,000 | 377,000 | -390,000 |
| Native American Veteran Housing Loan Program Account | 218,000 | 455,000 | 205,000 | -13,000 |
| Total, Veterans Benefits Administration | 19,616,163,061 | 20,175,125,093 | 20,162,006,000 | +545,842,939 |
| Veterans Health Administration |
| Medical care | 16,214,684,000 | 16,961,487,000 | 16,564,000,000 | +349,316,000 |
| (Transfer out) | 16,214,684,000 | 16,961,487,000 | 16,564,000,000 | |
| Medical and prosthetic research | 251,743,000 | 257,000,000 | 257,000,000 | +5,257,000 |
| Health professional scholarship program | 10,386,000 | 10,386,000 | 10,386,000 | |
| Medical administration and miscellaneous operating expenses | 69,789,000 | 72,262,000 | 63,602,000 | -6,187,000 |
| (By transfer) | 69,789,000 | 72,262,000 | 63,602,000 | |
| Grants to the Republic of the Philippines | 500,000 | | | |
| Loan program account (by transfer) | (7,000) | (7,000) | (7,000) | |</p>
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<th>Item</th>
<th>Appropriated, fiscal year 1995</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>(56,000)</td>
<td>(54,000)</td>
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<td>(Limitation on direct loans)</td>
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<td>(70,000)</td>
<td>(70,000)</td>
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<tr>
<td>General post fund (transfer out)</td>
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<td>(−63,000)</td>
<td>(−61,000)</td>
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<td>General operating expenses</td>
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<td>848,143,000</td>
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<td>(Transfer out)</td>
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<td>Total, Program Level</td>
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<td>(874,143,000)</td>
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<td>National Cemetery System</td>
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<td>72,604,000</td>
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<td>30,900,000</td>
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<td>(Transfer out)</td>
<td></td>
<td></td>
<td>(−7,000,000)</td>
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<td>Construction, minor projects</td>
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<td>(By transfer)</td>
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<td></td>
<td>(−7,000,000)</td>
<td>(−7,000,000)</td>
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<td>Grants for construction of state extended care facilities</td>
<td>47,397,000</td>
<td>43,740,000</td>
<td>47,397,000</td>
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<td>Grants for the construction of state veterans cemeteries</td>
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<td>1,000,000</td>
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<td>Total, Departmental Administration</td>
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<td>1,326,199,000</td>
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<td>(By transfer)</td>
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<td>(63,000)</td>
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<td>TITLE II</td>
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<td>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</td>
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<td>SELECTED HOUSING PROGRAMS</td>
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<td>Housing certificates for families and individuals performance funds</td>
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<td></td>
<td></td>
<td>+9,818,795,000</td>
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<tr>
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<td>Appropriated, fiscal year 1996</td>
<td>Increase (+) or decrease (−)</td>
</tr>
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<td>-----------------------------------------------------------------------------</td>
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<td>Prepayment authority</td>
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<tr>
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<td><strong>Management and Administration</strong></td>
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<td>Increase (+) or decrease (−)</td>
</tr>
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<td>FHA—General and special risk program account:</td>
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<td>FHA Assignment Reform (sec. 407)</td>
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<td>FHA Assignment Reform, 1996 (sec. 221)</td>
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<td>(Limitation on annual contract authority, indefinite)</td>
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### VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996,
PUBLIC LAW 104–134—Continued

[Amounts in dollars—Continued]

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<th>Increase (+) or decrease (−)</th>
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**(Limitation on corporate funds)**

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<td>Delay of obligation</td>
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<td>Transfer to OIG</td>
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<td>Procurement savings</td>
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<td>-----------------------------------</td>
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<td>4,981,000</td>
<td>4,981,000</td>
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<td>Council on Environmental Quality and Office of Environmental Quality</td>
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<th>FEDERAL EMERGENCY MANAGEMENT AGENCY</th>
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<td>Salaries and expenses</td>
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<td>Total</td>
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<td>2,061,000</td>
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<td>(Limitation on administrative expenses)</td>
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<th>Increase (+) or decrease (−)</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<td>Increase (+) or decrease (−)</td>
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<td>Central liquidity facility:</td>
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<tr>
<td>(Limitation on direct loans)</td>
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<td>(600,000,000)</td>
<td>(600,000,000)</td>
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<tr>
<td>(Limitation on administrative expenses, corporate funds)</td>
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<td>(560,000)</td>
<td>(560,000)</td>
<td>(−341,000)</td>
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<td>4,490,000</td>
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<td>5,200,000</td>
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<td>3,360,000,000</td>
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<td>Payment to the Neighborhood Reinvestment Corporation</td>
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<tr>
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<td>(560,000)</td>
<td>(− 341,000)</td>
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### Title IV
#### Corporations

<table>
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<tr>
<th>Description</th>
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<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tr>
<td><strong>Federal Deposit Insurance Corporation:</strong></td>
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<table>
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<tr>
<th>Description</th>
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<th>Increase (+) or decrease (−)</th>
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### Net total appropriations
89,920,161,061

### Other adjustments affecting the bill:
- Housing renewal advance available: 800,000,000
- FHA—General and special risk from fiscal year 1994 supplementals:
  - H.R. 3759: −4,254,000
  - H.R. 4568—Condo mortgage insurance (negative subsidy): −2,500,000
- NASA advance appropriation, fiscal year 1995: 20,000,000
- Effect from rescission bill (Public Law 104–19): −8,436,190,000

### Total, adjustments
−7,622,944,000

### Net grand total
82,297,217,061

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<th>Description</th>
<th>Enacted, fiscal year 1995</th>
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<th>Appropriated, fiscal year 1996</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
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<td>(90,749,470,093)</td>
<td>(82,641,085,000)</td>
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<td>Rescissions</td>
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<td>(−198,119,000)</td>
<td>+134,881,000</td>
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<tr>
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<td>(100,061,000)</td>
<td>(63,000)</td>
<td>(17,561,000)</td>
<td>−82,500,000</td>
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<tr>
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<td>(93,528,000)</td>
<td>(108,628,000)</td>
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<tr>
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<td>(−2,000,000)</td>
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<td>(Limitation on direct loans)</td>
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<tr>
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<td>(264,939,072,000)</td>
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<tr>
<td>(Limitation on corporate funds)</td>
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<td>(549,626,000)</td>
<td>(554,401,000)</td>
<td>+38,360,000</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Appropriations</td>
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<td>(−198,119,000)</td>
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<td>−515,118,500</td>
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<tr>
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<td>(−2,000,000)</td>
<td>(−2,000,000)</td>
<td>(−2,000,000)</td>
<td>(−15,000,000)</td>
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<tr>
<td>(Limitation on direct loans)</td>
<td>(1,200,426,034)</td>
<td>(984,296,120)</td>
<td>(984,238,000)</td>
<td>−58,120</td>
</tr>
<tr>
<td>(Limitation on guaranteed loans)</td>
<td>(264,939,072,000)</td>
<td>(237,400,000,000)</td>
<td>(238,900,000,000)</td>
<td>−58,120</td>
</tr>
<tr>
<td>(Limitation on corporate funds)</td>
<td>(516,041,000)</td>
<td>(549,626,000)</td>
<td>(554,401,000)</td>
<td>+38,360,000</td>
</tr>
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</table>
Includes the following budget amendments:

H. Doc. 104–88:
  Department of Housing and Urban Development:
    Public and Indian Housing Programs: Housing certificates for families and individuals performance funds ...........................................  $1,154,920,000

H. Doc. 104–100:
  Other Independent Agencies:
    Federal Emergency Management Agency:
      Emergency management planning and assistance .................  7,078,000

Salaries and expenses ..............................................  2,922,000
Title V–General Provisions: Sec. 517 ...........................................  −30,000,000

Total ........................................................................  −1,174,920,000

2 In addition $3,275,000,000 in emergency funding provided as an advance for fiscal year 1996 in the Disaster Assistance Supplemental, 1995 (Public Law 104–19).
### BALTIC STATES SUPPLEMENTAL, 1996, PUBLIC LAW 104-122

[Amounts in dollars]

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<td></td>
<td>ADMINISTRATION OF FOREIGN AFFAIRS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104-179</td>
<td>Diplomatic and consular program <em>(by transfer)</em></td>
<td><em>(2,000,000)</em></td>
<td><em>(−2,000,000)</em></td>
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<tr>
<td></td>
<td>RELATED AGENCIES</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>104-179</td>
<td>UNITED STATES INFORMATION AGENCY</td>
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<td></td>
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</tr>
<tr>
<td>104-179</td>
<td>Salaries and expenses <em>(by transfer)</em></td>
<td><em>(1,000,000)</em></td>
<td><em>(−1,000,000)</em></td>
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<tr>
<td></td>
<td>FUNDS APPROPRIATED TO THE PRESIDENT</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>AGENCY FOR INTERNATIONAL DEVELOPMENT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104-179</td>
<td>Assistance for Eastern Europe and the Baltic States</td>
<td><em>(200,000,000)</em></td>
<td><em>(198,000,000)</em></td>
<td><em>(−2,000,000)</em></td>
</tr>
<tr>
<td>104-179</td>
<td>Debt restructuring <em>(by transfer)</em></td>
<td><em>(5,000,000)</em></td>
<td><em>(5,000,000)</em></td>
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<tr>
<td>104-179</td>
<td>Operating expenses of the Agency for International Development <em>(by transfer)</em></td>
<td><em>(2,000,000)</em></td>
<td><em>(3,000,000)</em></td>
<td><em>(+1,000,000)</em></td>
</tr>
<tr>
<td></td>
<td>Grant total <em>(by transfer)</em></td>
<td><em>(200,000,000)</em></td>
<td><em>(198,000,000)</em></td>
<td><em>(−2,000,000)</em></td>
</tr>
<tr>
<td></td>
<td>*(By transfer)</td>
<td><em>(10,000,000)</em></td>
<td><em>(8,000,000)</em></td>
<td><em>(−2,000,000)</em></td>
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</table>
### TITLE II—SUPPLEMENTAL APPROPRIATIONS

#### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

**NATURAL RESOURCES CONSERVATION SERVICE**

- **Watershed and flood prevention operations**
  
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>104–183</td>
<td>60,000,000</td>
<td>80,514,000</td>
<td>−60,000,000</td>
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<tr>
<td>104–183</td>
<td>40,000,000</td>
<td>80,514,000</td>
<td>+40,514,000</td>
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  **Total**

- **Contingent**

<table>
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<tr>
<td>104–183</td>
<td>100,000,000</td>
<td>80,514,000</td>
<td>−19,486,000</td>
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#### CONSOLIDATED FARM SERVICE AGENCY

- **Emergency conservation program**

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<tbody>
<tr>
<td>104–183</td>
<td>30,000,000</td>
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#### RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

**Rural Housing Insurance Fund Program Account:**

- **Low-income housing (sec. 502):**

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<tr>
<td>104–183</td>
<td>5,000,000</td>
<td>5,000,000</td>
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<tr>
<td>104–183</td>
<td>(34,965,000)</td>
<td>(34,965,000)</td>
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- **Housing repair (sec. 504):**

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<td>104–183</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>0</td>
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<tr>
<td>104–183</td>
<td>(3,995,000)</td>
<td>(3,995,000)</td>
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  **Total**

- **Very low-income housing repair grants**

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<tr>
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</thead>
<tbody>
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<td>104–183</td>
<td>6,500,000</td>
<td>6,500,000</td>
<td>0</td>
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</table>

  **Total, Rural Housing and Community Development Service**

- **RURAL UTILITIES SERVICE**

  - **Emergency community water assistance program**

    |----------------|-----------------------------------|-------------------------------|------------|
    | 104–183        | 5,000,000                          | 11,000,000                   | −6,000,000 |
  
  - **Rural utilities assistance program**

    |----------------|-----------------------------------|-------------------------------|------------|
    | 104–183        | 6,000,000                          | 11,000,000                   | +5,000,000 |

  **Total**

**Total, Chapter 1**

<table>
<thead>
<tr>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>148,600,000</td>
<td>129,114,000</td>
<td>−19,486,000</td>
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</tbody>
</table>

### TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134

[Amounts in dollars]
### CHAPTER 2
#### DEPARTMENT OF COMMERCE
##### ECONOMIC DEVELOPMENT ADMINISTRATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic development assistance programs</td>
<td>18,000,000</td>
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</table>

**Total, Department of Commerce**: 10,000,000

**Difference**: +15,000,000

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>10,000,000</td>
<td>7,500,000</td>
<td>-2,500,000</td>
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</tbody>
</table>

**Total, Department of Commerce**: 10,000,000

**Difference**: +2,500,000

#### RELATED AGENCY
##### SMALL BUSINESS ADMINISTRATION

**Disaster Loans Program Account**:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
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<tbody>
<tr>
<td>Direct loans subsidy</td>
<td>69,700,000</td>
<td>71,000,000</td>
<td>+1,300,000</td>
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<tr>
<td>Administrative expenses</td>
<td>30,300,000</td>
<td>29,000,000</td>
<td>-1,300,000</td>
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</tbody>
</table>

**Total, Small Business Administration**: 100,000,000

**Difference**: +1,300,000

**Total, Chapter 2**: 110,000,000

**Difference**: +15,000,000

### CHAPTER 3
#### DEPARTMENT OF DEFENSE—CIVIL
##### DEPARTMENT OF THE ARMY
##### CORPS OF ENGINEERS—CIVIL

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and maintenance, general</td>
<td>30,000,000</td>
<td>30,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Flood control and coastal emergencies</td>
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<td>135,000,000</td>
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</table>

**Total**: 165,000,000

**Difference**: +15,000,000

#### DEPARTMENT OF THE INTERIOR
##### BUREAU OF RECLAMATION

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
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<tr>
<td>Construction program</td>
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<tr>
<td>Contingent</td>
<td>9,000,000</td>
<td>9,000,000</td>
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**Total**: 18,000,000

**Difference**: +9,000,000
<table>
<thead>
<tr>
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<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
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<td>Budget estimates, fiscal year 1996</td>
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<td></td>
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<tr>
<td>DEPARTMENT OF ENERGY</td>
<td>ATOMIC ENERGY DEFENSE ACTIVITIES</td>
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<tr>
<td>Other Defense Activities</td>
<td></td>
<td>15,000,000</td>
<td>+15,000,000</td>
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<tr>
<td>POWER MARKETING ADMINISTRATIONS</td>
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<td></td>
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<tr>
<td>Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration (transfer to Operation and Maintenance, Alaska Power Administration)</td>
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<td>(5,500,000)</td>
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<tr>
<td>Total, Chapter 3</td>
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<td>189,000,000</td>
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<td>CHAPTER 4</td>
<td>FUNDS APPROPRIATED TO THE PRESIDENT</td>
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<tr>
<td>UNANTICIPATED NEEDS</td>
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<tr>
<td>Unanticipated needs for Defense of Israel against terrorism</td>
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<td>50,000,000</td>
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<td>MILITARY ASSISTANCE</td>
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<td>Foreign Military Assistance Program: Grants</td>
<td>140,000,000</td>
<td>70,000,000</td>
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<td>190,000,000</td>
<td>120,000,000</td>
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<tr>
<td>CHAPTER 5</td>
<td>DEPARTMENT OF THE INTERIOR</td>
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<tr>
<td>BUREAU OF LAND MANAGEMENT</td>
<td></td>
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<tr>
<td>Construction and access</td>
<td>4,242,000</td>
<td>4,242,000</td>
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<tr>
<td>Contingent</td>
<td>758,000</td>
<td>758,000</td>
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<tr>
<td>Total</td>
<td>4,242,000</td>
<td>5,000,000</td>
<td>+758,000</td>
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<tr>
<td>Oregon and California grant lands</td>
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<td>19,548,000</td>
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<tr>
<td>Total</td>
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<td>35,000,000</td>
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<td>Total, Bureau of Land Management</td>
<td>23,790,000</td>
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<td>UNITED STATES FISH AND WILDLIFE SERVICE</td>
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<td></td>
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<tr>
<td>Resource management (contingent)</td>
<td></td>
<td>1,600,000</td>
<td>+1,600,000</td>
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</tbody>
</table>
### TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>House Doc. No.</th>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year</th>
<th>Difference</th>
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<tbody>
<tr>
<td>104–183</td>
<td></td>
<td></td>
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<tr>
<td>Construction</td>
<td>20,505,000</td>
<td>20,505,000</td>
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<tr>
<td>Contingent</td>
<td></td>
<td>16,795,000</td>
<td>+ 16,795,000</td>
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<tr>
<td>Total</td>
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<td>37,300,000</td>
<td>+ 16,795,000</td>
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<tr>
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<td>Total, United States Fish and Wildlife Service</td>
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<td>38,900,000</td>
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<td></td>
<td><strong>Total</strong></td>
<td><strong>37,300,000</strong></td>
<td><strong>+ 16,795,000</strong></td>
</tr>
<tr>
<td></td>
<td>Natural Park Service</td>
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<tr>
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<td>+ 13,399,000</td>
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<td>+ 13,399,000</td>
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<td>Contingent</td>
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<td>+ 824,000</td>
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<td>+ 7,072,000</td>
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<td>Territorial and International Affairs</td>
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<td>Total, Department of the Interior</td>
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1008 SUPPLEMENTALS, RESCISSIONS AND OFFSETS, 1996
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<tr>
<td>National forest system</td>
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<td>Total</td>
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<td>104±183</td>
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<td>Construction</td>
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<td>Total, Forest Service</td>
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<td>104±179</td>
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<td>North Atlantic Treaty Organization Security Investment Program</td>
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<tr>
<td>104±179</td>
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<tr>
<td>Military Personnel, Army</td>
<td>244,400,000</td>
<td>257,200,000</td>
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<td>Military Personnel, Navy</td>
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<td>11,700,000</td>
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<tr>
<td>Military Personnel, Marine Corps</td>
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<td>Military Personnel, Air Force</td>
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<td>Operation and Maintenance, Marine Corps</td>
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</table>
### TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(By transfer) (sec. 2705)</td>
<td>(15,000,000)</td>
<td>+ 15,000,000</td>
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<tr>
<td></td>
<td>Total</td>
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<tr>
<td>104–179</td>
<td>Other Procurement, Air Force</td>
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<td>26,000,000</td>
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<tr>
<td>104–179</td>
<td>Additional transfer authority (sec. 2701)</td>
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<tr>
<td></td>
<td>Research, Development, Test and Evaluation, Defense-Wide (sec. 2704)</td>
<td>50,000,000</td>
<td>+ 50,000,000</td>
</tr>
<tr>
<td></td>
<td>Research, Development, Test and Evaluation, Navy (sec. 2709)</td>
<td>10,000,000</td>
<td>+ 10,000,000</td>
</tr>
<tr>
<td></td>
<td>Research, Development, Test and Evaluation, Army (by transfer) (sec. 2710)</td>
<td>(8,000,000)</td>
<td>(+ 8,000,000)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>60,000,000</td>
<td>+ 60,000,000</td>
</tr>
<tr>
<td></td>
<td>Total, Chapter 7</td>
<td>582,500,000</td>
<td>+ 342,400,000</td>
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</tbody>
</table>

### CHAPTER 8
**DEPARTMENT OF TRANSPORTATION**

**FEDERAL HIGHWAY ADMINISTRATION**

104–183 
Federal-aid highways (Highway Trust Fund) | 267,000,000 | 267,000,000 | 33,000,000 | + 33,000,000 |

Total | 267,000,000 | 300,000,000 | + 33,000,000 |

**FEDERAL TRANSIT ADMINISTRATION**

104–183 
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization) | (375,000,000) | (375,000,000) |

**OTHER INDEPENDENT AGENCIES**

**PANAMA CANAL COMMISSION**

104–183 
Panama Canal revolving fund (administrative expenses) | (2,000,000) | (2,000,000) |

Total, Chapter 8 | 267,000,000 | 300,000,000 | + 33,000,000 |

### CHAPTER 9

104–183 Office of National Drug Control Policy | 3,400,000 | 3,400,000 |
TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNSMMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>50,000,000</td>
<td>+ 50,000,000</td>
</tr>
</tbody>
</table>

**CHAPTER 10**
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY PLANNING AND DEVELOPMENT

Community development grants (contingent) ................................................................. 50,000,000

**OTHER INDEPENDENT AGENCIES**
FEDERAL EMERGENCY MANAGEMENT AGENCY
Disaster Relief transfer to Disaster Assistance Direct Loan Program Account:

<table>
<thead>
<tr>
<th>Loan subsidy (By transfer) (Direct loan authorization)</th>
<th>103,729,000</th>
<th>(104,000,000)</th>
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</thead>
<tbody>
<tr>
<td>(118,874,000)</td>
<td>(118,874,000)</td>
<td></td>
</tr>
</tbody>
</table>

Total, Chapter 10 .............................................................................................................. 103,729,000 50,000,000

Total, title II, Supplemental appropriations ....................................................................... 1,796,729,000 2,124,714,000

**TITLE III—RESCSSIONS AND OFFSETS**

**CHAPTER 2**
EXPORT AND INVESTMENT ASSISTANCE
EXPORT-IMPORT BANK OF THE UNITED STATES

Subsidy appropriation (rescission) ...................................................................................... −42,000,000 −42,000,000

**CHAPTER 3**
DEPARTMENT OF ENERGY

Strategic Petroleum Reserve (offset) ...................................................................................... −227,000,000 −227,000,000

**CHAPTER 4**
DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

Job opportunities and basic skills (offset) ................................................................................ −10,000,000 −10,000,000

DEPARTMENT OF EDUCATION

Student financial assistance (rescission) ..................................................................................... −53,446,000 −53,446,000
### Net total, Chapter 4

<table>
<thead>
<tr>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>-63,446,000</td>
<td>( -10,000,000)</td>
<td>( -10,000,000)</td>
</tr>
<tr>
<td>( -53,446,000)</td>
<td>( -53,446,000)</td>
<td></td>
</tr>
</tbody>
</table>

#### CHAPTER 5

| Military construction, Army (rescission) | -6,385,000 | -6,385,000 |
| Military construction, Navy (rescission) | -6,385,000 | -6,385,000 |
| Military construction, Air Force (rescission) | -6,385,000 | -6,385,000 |
| Military construction, Defense-Wide (rescission) | -18,345,000 | -18,345,000 |

| Net total, Chapter 5                  | -37,500,000 | -37,500,000 |

### Net total, Chapter 6

| Research, Development, Test and Evaluation, Army (rescission) | -19,500,000 | -19,500,000 |
| Research, Development, Test and Evaluation, Navy (rescission) | -35,000,000 | -45,000,000 | -10,000,000 |
| Research, Development, Test and Evaluation, Air Force (rescission) | -289,900,000 | -314,800,000 | -24,900,000 |
| Research, Development, Test and Evaluation, Defense-Wide (rescission) | -40,600,000 | -40,600,000 |

| Net total, Chapter 6                  | -385,000,000 | -419,900,000 | -34,900,000 |

### Net total, Chapter 7

| Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authority) | -664,000,000 | -664,000,000 |

| Net total, Chapter 7                  | -960,000,000 | -994,900,000 | -34,900,000 |
### TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Budget estimates, fiscal year 1996</th>
<th>Appropriated, fiscal year 1996</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FEDERAL HIGHWAY ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)</td>
<td>………………………………………</td>
<td>− 9,000,000</td>
</tr>
<tr>
<td>Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)</td>
<td>………………………………………</td>
<td>− 33,000,000</td>
</tr>
<tr>
<td><strong>NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)</td>
<td>………………………………………</td>
<td>− 56,000,000</td>
</tr>
<tr>
<td><strong>Net total, Chapter 7</strong></td>
<td>………………………………………</td>
<td>− 762,000,000</td>
</tr>
<tr>
<td><strong>CHAPTER 8</strong></td>
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<tr>
<td><strong>INDEPENDENT AGENCIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GENERAL SERVICES ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Buildings Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitations on availability of revenue:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installment acquisition payments (rescission)</td>
<td>………………………………………</td>
<td>− 3,400,000</td>
</tr>
<tr>
<td>Repairs and alterations (rescission)</td>
<td>………………………………………</td>
<td>− 3,500,000</td>
</tr>
<tr>
<td><strong>Net total, Chapter 8</strong></td>
<td>………………………………………</td>
<td>− 3,500,000</td>
</tr>
<tr>
<td><strong>CHAPTER 9</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>INDEPENDENT AGENCY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FEDERAL EMERGENCY MANAGEMENT AGENCY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disaster relief (rescission)</td>
<td>………………………………………</td>
<td>− 1,000,000,000</td>
</tr>
<tr>
<td><strong>CHAPTER 10</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF TREASURY</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>FINANCIAL MANAGEMENT SERVICE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt collection initiatives (offset) (sec. 31001)</td>
<td>………………………………………</td>
<td>− 340,000,000</td>
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<td><strong>GENERAL PROVISIONS</strong></td>
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<td></td>
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<tr>
<td>Federal administrative and personal services expenses (rescission) (sec. 31002)</td>
<td>………………………………………</td>
<td>− 500,000,000</td>
</tr>
<tr>
<td><strong>Net total, Chapter 10</strong></td>
<td>………………………………………</td>
<td>− 840,000,000</td>
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</table>
TITLES II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES, PUBLIC LAW 104–134—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>833,229,000</td>
<td>1,845,532,000</td>
<td>–2,678,761,000</td>
</tr>
<tr>
<td></td>
<td>(1,796,729,000)</td>
<td>(2,124,714,000)</td>
<td>(+327,985,000)</td>
</tr>
<tr>
<td></td>
<td>(−963,500,000)</td>
<td>(−3,393,246,000)</td>
<td>(−2,429,746,000)</td>
</tr>
<tr>
<td></td>
<td>Net total, title III, Rescissions and offsets</td>
<td>833,229,000</td>
<td>1,845,532,000</td>
</tr>
<tr>
<td></td>
<td>Offsets</td>
<td>(−577,000,000)</td>
<td>(−577,000,000)</td>
</tr>
<tr>
<td></td>
<td>Rescissions</td>
<td>(−3,393,246,000)</td>
<td>(−2,429,746,000)</td>
</tr>
<tr>
<td></td>
<td>Net grand total</td>
<td>833,229,000</td>
<td>1,845,532,000</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
<td>(1,796,729,000)</td>
<td>(2,124,714,000)</td>
</tr>
<tr>
<td></td>
<td>Offsets</td>
<td>(−577,000,000)</td>
<td>(−577,000,000)</td>
</tr>
<tr>
<td></td>
<td>Rescissions</td>
<td>(−3,393,246,000)</td>
<td>(−2,429,746,000)</td>
</tr>
</tbody>
</table>

House Doc. No. 1014

Supplements, Rescissions and Offsets, 1996
### TABLE 2. APPROPRIATIONS RECAP BY ACT

[Amounts in dollars]

<table>
<thead>
<tr>
<th>REGULAR ANNUAL ACTS, 1996</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget requests considered</th>
<th>Approved by Congress</th>
<th>Compared with enacted</th>
<th>Compared with budget request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Rural Development, Food and Drug Administration, Public Law 103–37</td>
<td>68,820,566,000</td>
<td>66,457,242,000</td>
<td>63,050,813,000</td>
<td>−5,769,753,000</td>
<td>−3,406,429,000</td>
</tr>
<tr>
<td>Commerce-Justice-State-Judiciary (net), Public Law 104–134</td>
<td>26,551,671,000</td>
<td>31,151,767,000</td>
<td>27,834,372,000</td>
<td>+1,282,701,000</td>
<td>−3,317,395,000</td>
</tr>
<tr>
<td>Fiscal year 1996 (net)</td>
<td>(26,551,671,000)</td>
<td>(31,119,112,000)</td>
<td>(27,818,108,000)</td>
<td>(+1,266,437,000)</td>
<td>(−3,301,004,000)</td>
</tr>
<tr>
<td>Fiscal year 1997</td>
<td>(32,655,000)</td>
<td>(16,264,000)</td>
<td>(16,264,000)</td>
<td>−16,391,000</td>
<td></td>
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<tr>
<td>Defense (net), Public Law 104–61</td>
<td>244,387,729,000</td>
<td>236,394,017,000</td>
<td>243,301,297,000</td>
<td>−1,086,432,000</td>
<td>+6,907,280,000</td>
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<tr>
<td>District of Columbia, Public Law 104–122</td>
<td>712,070,000</td>
<td>712,070,000</td>
<td>712,070,000</td>
<td>−1,266,437,000</td>
<td></td>
</tr>
<tr>
<td>Energy and Water Development, Public Law 104–46</td>
<td>20,209,594,000</td>
<td>20,957,387,000</td>
<td>19,746,654,000</td>
<td>−462,940,000</td>
<td>−1,210,733,000</td>
</tr>
<tr>
<td>Foreign Operations, Public Law 104–107</td>
<td>13,651,521,750</td>
<td>14,773,904,666</td>
<td>12,103,536,669</td>
<td>−1,547,985,081</td>
<td>−2,670,367,997</td>
</tr>
<tr>
<td>Interior (net), Public Law 104–134</td>
<td>13,353,136,000</td>
<td>13,809,079,000</td>
<td>12,273,770,000</td>
<td>−1,079,366,000</td>
<td>−1,535,309,000</td>
</tr>
<tr>
<td>Labor, Health and Human Services, and Education (net), Public Law 104–134</td>
<td>250,862,623,000</td>
<td>273,113,763,000</td>
<td>266,269,182,000</td>
<td>+1,506,559,000</td>
<td>−8,844,581,000</td>
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<tr>
<td>Fiscal year 1996 (net)</td>
<td>(210,914,906,000)</td>
<td>(233,112,809,000)</td>
<td>(224,335,446,000)</td>
<td>(+13,420,540,000)</td>
<td>(−8,777,363,000)</td>
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<tr>
<td>Fiscal year 1997</td>
<td>(39,687,717,000)</td>
<td>(41,706,544,000)</td>
<td>(41,683,736,000)</td>
<td>(+1,996,019,000)</td>
<td>(−20,818,000)</td>
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<tr>
<td>Fiscal year 1998</td>
<td>(260,000,000)</td>
<td>(296,400,000)</td>
<td>(250,000,000)</td>
<td>−10,000,000</td>
<td>(−46,400,000)</td>
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<tr>
<td>Legislative (net), Public Law 104–53</td>
<td>2,351,052,700</td>
<td>2,617,614,000</td>
<td>2,125,316,276</td>
<td>−225,741,424</td>
<td>−492,302,724</td>
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<td>Military Construction (net), Public Law 104–32</td>
<td>8,735,400,000</td>
<td>10,697,995,000</td>
<td>11,177,009,000</td>
<td>2,441,609,000</td>
<td>+479,014,000</td>
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<tr>
<td>Transportation (net), Public Law 104–50</td>
<td>11,552,002,000</td>
<td>35,850,261,831</td>
<td>13,061,972,979</td>
<td>+1,509,970,979</td>
<td>−22,788,288,852</td>
</tr>
<tr>
<td>Treasury-Postal-General Government, Public Law 104–52</td>
<td>22,684,685,000</td>
<td>24,896,488,000</td>
<td>22,965,844,000</td>
<td>+281,159,000</td>
<td>−1,930,644,000</td>
</tr>
<tr>
<td>VA-HUD-Independent Agencies (net), Public Law 104–134</td>
<td>82,297,217,061</td>
<td>90,551,351,093</td>
<td>82,442,966,000</td>
<td>+145,748,939</td>
<td>−8,108,385,093</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>766,169,267,511</td>
<td>823,982,939,590</td>
<td>777,064,797,924</td>
<td>+57,813,672,079</td>
<td>−46,918,141,666</td>
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<tr>
<td>Other Acts, 1996</td>
<td>Enacted, fiscal year 1995</td>
<td>Budget requests considered</td>
<td>Approved by Congress</td>
<td>Compared with enacted</td>
<td>Compared with budget request</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------</td>
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<td>----------------------</td>
<td>-------------------------------</td>
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<tr>
<td>Continuing Resolution, Title II and III (net), Public Law 104–134</td>
<td>833,229,000</td>
<td>1,845,532,000</td>
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<td>-2,678,761,000</td>
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<td>Baltic States Supplemental, 1996, Public Law 104–122</td>
<td>200,000,000</td>
<td>198,000,000</td>
<td>+198,000,000</td>
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<tr>
<td>Net total, 1996</td>
<td>766,169,267,511</td>
<td>825,016,168,590</td>
<td>775,417,265,924</td>
<td>+58,846,901,079</td>
<td>-49,598,902,666</td>
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<table>
<thead>
<tr>
<th>Supplemental Appropriations, 1995</th>
<th>Enacted, fiscal year 1995</th>
<th>Budget requests considered</th>
<th>Approved by Congress</th>
<th>Compared with enacted</th>
<th>Compared with budget request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal year 1995 (net)</td>
<td>(2,365,696,629)</td>
<td>(1,100,000,000)</td>
<td>(1,100,000,000)</td>
<td>-2,261,837,079</td>
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<tr>
<td>Fiscal year 1996 (net)</td>
<td>(2,365,696,629)</td>
<td>(1,100,000,000)</td>
<td>(1,100,000,000)</td>
<td>-2,261,837,079</td>
<td></td>
</tr>
<tr>
<td>Fiscal year 1997 (net)</td>
<td>(2,365,696,629)</td>
<td>(1,100,000,000)</td>
<td>(1,100,000,000)</td>
<td>-2,261,837,079</td>
<td></td>
</tr>
<tr>
<td>Disaster Assistance Supplemental, 1995 (net), Public Law 104–19</td>
<td>6,432,382,195</td>
<td>-9,053,080,876</td>
<td>-9,053,080,876</td>
<td>-15,485,463,071</td>
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<tr>
<td>Fiscal year 1995 (net)</td>
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<td>(11,916,876,876)</td>
<td>(11,916,876,876)</td>
<td>-18,349,259,071</td>
<td></td>
</tr>
<tr>
<td>Fiscal year 1996 (net)</td>
<td>(6,432,382,195)</td>
<td>(11,916,876,876)</td>
<td>(11,916,876,876)</td>
<td>-18,349,259,071</td>
<td></td>
</tr>
<tr>
<td>Fiscal year 1997 (net)</td>
<td>(6,432,382,195)</td>
<td>(11,916,876,876)</td>
<td>(11,916,876,876)</td>
<td>-18,349,259,071</td>
<td></td>
</tr>
<tr>
<td>Net total, 1995</td>
<td>8,798,078,824</td>
<td>-9,849,221,326</td>
<td>-9,849,221,326</td>
<td>-18,647,303,150</td>
<td></td>
</tr>
</tbody>
</table>

| Net grand total | 766,169,267,511 | 833,814,247,414 | 765,568,044,598 | -601,222,913 | -68,246,202,816 |
| Fiscal year 1995 (net) | (766,169,267,511) | (8,978,088,824) | (12,828,017,326) | (12,828,017,326) | -21,626,996,150 |
| Fiscal year 1996 (net) | (766,169,267,511) | (8,978,088,824) | (12,828,017,326) | (12,828,017,326) | -21,626,996,150 |
| Fiscal year 1997 (net) | (766,169,267,511) | (8,978,088,824) | (12,828,017,326) | (12,828,017,326) | -21,626,996,150 |
### TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT

[Amounts in dollars]

<table>
<thead>
<tr>
<th>REGULAR ANNUAL APPROPRIATIONS ACTS</th>
<th>Fiscal year 1995 enacted</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(H.R. 1976—Public Law 104–37)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandatory appropriations</td>
<td>54,608,705,000</td>
<td>52,020,952,000</td>
</tr>
<tr>
<td>Discretionary appropriations: General Purpose: Domestic functions</td>
<td>13,292,707,000</td>
<td>14,892,492,000</td>
</tr>
<tr>
<td>Total</td>
<td>67,901,412,000</td>
<td>66,913,444,000</td>
</tr>
</tbody>
</table>

| DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996 | | |
| (H.R. 2099—Vetoed) (H.R. 3019—Public Law 104–134) | | |
| Mandatory appropriations | 492,651,000 | 505,651,000 | 505,651,000 | 505,651,000 |
| Discretionary appropriations: | | | | |
| Violent crime trust fund | 2,327,900,000 | 4,010,200,000 | 3,955,969,000 | 3,955,969,000 |
| General purpose: | | | | |
| Defense (function 050) | 74,729,000 | 101,143,000 | 151,000,000 | 151,000,000 |
| Domestic functions | 23,415,362,000 | 26,409,030,000 | 22,655,850,000 | 22,655,850,000 |
| Total, General purpose | 23,490,091,000 | 26,510,173,000 | 22,806,850,000 | 22,806,850,000 |
| Total, Discretionary | 25,817,991,000 | 30,520,373,000 | 26,762,819,000 | 26,762,819,000 |
| Total | 26,310,642,000 | 31,026,024,000 | 27,268,470,000 | 27,268,470,000 |
**TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued**

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Budget request</th>
<th>Reported by committee</th>
<th>Approved by full Senate</th>
<th>Final Budget request</th>
<th>Appropriated</th>
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</table>

**REGULAR ANNUAL APPROPRIATIONS ACTS**

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996**

(H.R. 1976—PUBLIC LAW 104±37)

<table>
<thead>
<tr>
<th>Mandatory appropriations</th>
<th>52,020,952,000</th>
<th>50,284,484,000</th>
<th>50,284,484,000</th>
<th>52,020,952,000</th>
<th>49,777,898,000</th>
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</thead>
<tbody>
<tr>
<td>Discretionary appropriations: General Purpose: Domestic functions</td>
<td>14,892,492,000</td>
<td>13,310,000,000</td>
<td>13,305,200,000</td>
<td>14,892,492,000</td>
<td>13,325,000,000</td>
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<tr>
<td>Total</td>
<td>66,913,444,000</td>
<td>63,594,484,000</td>
<td>63,589,684,000</td>
<td>66,913,444,000</td>
<td>63,102,898,000</td>
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**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996**

(H.R. 2099—VETOED)

(H.R. 3019—PUBLIC LAW 104±134)

<table>
<thead>
<tr>
<th>Mandatory appropriations</th>
<th>505,651,000</th>
<th>505,651,000</th>
<th>505,651,000</th>
<th>505,651,000</th>
<th>505,651,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discretionary appropriations: Violent crime trust fund</td>
<td>4,010,200,000</td>
<td>3,955,969,000</td>
<td>3,955,969,000</td>
<td>4,010,200,000</td>
<td>3,955,969,000</td>
</tr>
<tr>
<td>General purpose: Defense (function 050)</td>
<td>101,143,000</td>
<td>151,000,000</td>
<td>151,000,000</td>
<td>101,143,000</td>
<td>151,000,000</td>
</tr>
<tr>
<td>Domestic functions</td>
<td>26,409,030,000</td>
<td>22,670,250,000</td>
<td>22,670,250,000</td>
<td>26,409,030,000</td>
<td>23,212,400,000</td>
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<td>Total, General purpose</td>
<td>26,510,173,000</td>
<td>22,821,250,000</td>
<td>22,821,250,000</td>
<td>26,510,173,000</td>
<td>23,363,400,000</td>
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<td>Total, Discretionary</td>
<td>30,520,373,000</td>
<td>26,777,219,000</td>
<td>26,777,219,000</td>
<td>30,520,373,000</td>
<td>27,319,369,000</td>
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<td>Total</td>
<td>31,026,024,000</td>
<td>27,282,870,000</td>
<td>27,282,870,000</td>
<td>31,026,024,000</td>
<td>27,825,020,000</td>
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TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year 1995 enacted</th>
<th>House Budget request</th>
<th>Reported by committee</th>
<th>Approved by full House</th>
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<tr>
<td><strong>DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;(H.R. 2126/S. 1087—PUBLIC LAW 104–61)</td>
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<td></td>
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<tr>
<td>Mandatory appropriations ..................................................................................................................</td>
<td>198,000,000</td>
<td>213,900,000</td>
<td>213,900,000</td>
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<tr>
<td>Discretionary appropriations: General purpose:&lt;br&gt;Defense (function 050) .......................................................................................</td>
<td>240,973,632,000</td>
<td>236,130,117,000</td>
<td>243,861,500,000</td>
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<td>381,439,000</td>
<td>44,000,000</td>
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<td>Total, Discretionary .......................................................................................................................</td>
<td>241,355,071,000</td>
<td>236,130,117,000</td>
<td>243,905,500,000</td>
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<td>241,553,071,000</td>
<td>236,344,017,000</td>
<td>244,119,400,000</td>
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<tr>
<td><strong>DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;(H.R. 2546—HOUSE AGREED TO CONFERENCE)&lt;br&gt;(H.R. 3019—PUBLIC LAW 104–134)</td>
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<td></td>
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<tr>
<td>Discretionary appropriations: General Purpose: Domestic functions ..................................................</td>
<td>712,070,000</td>
<td>712,070,000</td>
<td>712,000,000</td>
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<tr>
<td><strong>ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;(H.R. 1905—PUBLIC LAW 104–46)</td>
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<tr>
<td>Discretionary appropriations: General purpose:&lt;br&gt;Defense (function 050) .......................................................................................</td>
<td>10,103,780,000</td>
<td>11,197,236,000</td>
<td>10,077,733,000</td>
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<td>Domestic functions .........................................................................................................................</td>
<td>9,939,219,000</td>
<td>9,535,220,000</td>
<td>8,626,205,000</td>
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<td>20,042,999,000</td>
<td>20,732,456,000</td>
<td>18,703,938,000</td>
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<td><strong>FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;(H.R. 1868—PUBLIC LAW 104–107)</td>
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<tr>
<td>Mandatory appropriations ..................................................................................................................</td>
<td>45,118,000</td>
<td>43,914,000</td>
<td>43,914,000</td>
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<td>Discretionary appropriations: General Purpose: Domestic functions ..................................................</td>
<td>13,606,403,750</td>
<td>14,797,990,666</td>
<td>11,998,386,000</td>
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<td>13,651,521,750</td>
<td>14,841,904,666</td>
<td>12,042,300,000</td>
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<td>TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued</td>
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<tr>
<td>---------------------------------------------------------------</td>
<td></td>
<td></td>
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<tr>
<td>[Amounts in dollars]</td>
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<table>
<thead>
<tr>
<th>Department of Defense Appropriations Act, 1996</th>
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<tr>
<td>(H.R. 2126/S. 1087—Public Law 104–61)</td>
</tr>
<tr>
<td>Mandatory appropriations</td>
</tr>
<tr>
<td>Discretionary appropriations:</td>
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<td>General purpose:</td>
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<tr>
<td>Defense (function 050)</td>
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<tr>
<td>Domestic functions</td>
</tr>
<tr>
<td>Total, Discretionary</td>
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<tr>
<td>Total</td>
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<table>
<thead>
<tr>
<th>District of Columbia Appropriations Act, 1996</th>
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<tr>
<td>(H.R. 2546—House agreed to conference)</td>
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<td>(H.R. 3019—Public Law 104–134)</td>
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<td>Discretionary appropriations: General Purpose:</td>
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<td>Domestic functions</td>
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<table>
<thead>
<tr>
<th>Energy and Water Development Appropriations Act, 1996</th>
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<tbody>
<tr>
<td>(H.R. 1905—Public Law 104–46)</td>
</tr>
<tr>
<td>Discretionary appropriations:</td>
</tr>
<tr>
<td>General purpose:</td>
</tr>
<tr>
<td>Defense (function 050)</td>
</tr>
<tr>
<td>Domestic functions</td>
</tr>
<tr>
<td>Total</td>
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<table>
<thead>
<tr>
<th>Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>(H.R. 1868—Public Law 104–107)</td>
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<tr>
<td>Mandatory appropriations</td>
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<tr>
<td>Discretionary appropriations: General Purpose:</td>
</tr>
<tr>
<td>Domestic functions</td>
</tr>
<tr>
<td>Total</td>
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### TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Department and Appropriations Act</th>
<th>Fiscal year 1995 enacted</th>
<th>House Budget request</th>
<th>Report by committee</th>
<th>Approved by full House</th>
</tr>
</thead>
</table>
| **DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996**  
(H.R. 1977—VETOED)  
(H.R. 3019—PUBLIC LAW 104–134) | | | | |
| Mandatory appropriations | 55,675,000 | 59,338,000 | 59,338,000 | 59,338,000 |
| Discretionary appropriations: | | | | |
| Violent crime trust fund | | | | |
| General Purpose: Domestic functions | 13,205,461,000 | 13,884,541,000 | 12,234,345,000 | 12,234,345,000 |
| Total | 13,261,136,000 | 13,959,079,000 | 12,293,683,000 | 12,293,683,000 |
| **DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996**  
(H.R. 2126—HOUSE PASSED AND SENATE REPORTED)  
(H.R. 3019—PUBLIC LAW 104–134) | | | | |
| Mandatory appropriations | 183,254,600,000 | 200,943,431,000 | 200,951,966,000 | 200,951,966,000 |
| Discretionary appropriations: | | | | |
| Violent crime reduction programs | 11,000,000 | 175,400,000 | 53,000,000 | 53,000,000 |
| General Purpose: Domestic functions | 67,141,944,000 | 71,956,695,000 | 61,910,000,000 | 61,910,000,000 |
| Total, Discretionary | 67,152,944,000 | 72,132,095,000 | 61,963,000,000 | 61,963,000,000 |
| Total | 250,407,544,000 | 273,075,526,000 | 262,914,966,000 | 262,914,966,000 |
| **LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996**  
(H.R. 1854, H.R. 2492—PUBLIC LAW 104–53) | | | | |
| Mandatory appropriations | 92,217,200 | 75,500,000 | 75,500,000 | 75,500,000 |
| Discretionary appropriations: General Purpose: Domestic functions | 2,350,785,500 | 2,060,140,000 | 1,727,351,000 | 1,725,698,000 |
| Total | 2,443,002,700 | 2,135,640,000 | 1,802,851,000 | 1,801,198,000 |
| **MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996**  
(H.R. 1817—PUBLIC LAW 104–32) | | | | |
| Discretionary appropriations: General Purpose: Defense (function 050) | 8,735,400,000 | 10,697,995,000 | 11,197,995,000 | 11,177,009,000 |
### TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Budget request</th>
<th>Reported by committee</th>
<th>Approved by full Senate</th>
<th>Budget request</th>
<th>Appropriated</th>
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<tbody>
<tr>
<td>Senate</td>
<td>Final</td>
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</table>

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996
(H.R. 1977—VETOED)
(H.R. 3019—PUBLIC LAW 104–134)

<table>
<thead>
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<th>Mandatory appropriations</th>
<th>Discretionary appropriations:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Violent crime trust fund</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Purpose: Domestic functions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$59,338,000</td>
<td>$15,200,000</td>
<td>$13,899,741,000</td>
</tr>
<tr>
<td>$59,338,000</td>
<td>$12,242,025,999</td>
<td>$13,884,541,000</td>
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<tr>
<td>$59,338,000</td>
<td>$12,364,432,000</td>
<td>$12,423,770,000</td>
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#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996
(H.R. 2126—HOUSE PASSED AND SENATE REPORTED)
(H.R. 3019—PUBLIC LAW 104–134)

<table>
<thead>
<tr>
<th>Mandatory appropriations</th>
<th>Discretionary appropriations:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Violent crime reduction programs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Purpose: Domestic functions</td>
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</tr>
<tr>
<td>$200,943,431,000</td>
<td>$175,400,000</td>
<td>$200,956,966,000</td>
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<tr>
<td>$200,943,466,000</td>
<td>$53,000,000</td>
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<tr>
<td>$200,943,466,000</td>
<td>$53,000,000</td>
<td>$200,996,466,000</td>
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<td>$200,943,431,000</td>
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<td>$200,943,466,000</td>
<td>$6,034,197,000</td>
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#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996
(H.R. 1854, H.R. 2492—PUBLIC LAW 104–53)

<table>
<thead>
<tr>
<th>Mandatory appropriations</th>
<th>Discretionary appropriations: General Purpose: Domestic functions</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$92,300,000</td>
<td>$2,617,614,000</td>
<td>$2,709,914,000</td>
</tr>
<tr>
<td>$92,300,000</td>
<td>$2,130,335,277</td>
<td>$2,220,650,000</td>
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<td>$2,132,325,277</td>
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<tr>
<td>$92,300,000</td>
<td>$2,125,311,277</td>
<td>$2,217,611,277</td>
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#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996
(H.R. 1817—PUBLIC LAW 104–32)

| Discretionary appropriations: General Purpose: Defense (function 050) | |       |
|---------------------------------------------------------------------| |       |
| $10,697,995,000                                                     | $11,158,995,000 | $11,177,009,000 |
| $10,697,995,000                                                     | $11,158,995,000 | $11,177,009,000 |
| $10,697,995,000                                                     | $11,158,995,000 | $11,177,009,000 |
| $10,697,995,000                                                     | $11,158,995,000 | $11,177,009,000 |
### Table 3. Recap of Mandatory and Discretionary Scoring by Act—Continued

<table>
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<tr>
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<th></th>
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<tr>
<td><strong>Mandatory appropriations</strong></td>
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</tr>
<tr>
<td></td>
<td>571,926,000</td>
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</tr>
<tr>
<td><strong>Discretionary appropriations:</strong></td>
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</tr>
<tr>
<td>Violent crime reduction programs</td>
<td>5,000,000</td>
<td></td>
</tr>
<tr>
<td>General Purpose: Domestic functions</td>
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</tr>
<tr>
<td></td>
<td>14,053,300,831</td>
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<td>12,600,029,806</td>
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<tr>
<td></td>
<td>12,599,636,806</td>
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<td><strong>Total, Discretionary</strong></td>
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<td>12,600,029,806</td>
<td>12,599,636,806</td>
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<tr>
<td><strong>Total</strong></td>
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<td>35,251,903,831</td>
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<td>13,181,708,806</td>
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<table>
<thead>
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</tr>
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<tbody>
<tr>
<td><strong>Mandatory appropriations</strong></td>
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<td></td>
<td>11,736,379,000</td>
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<td><strong>Discretionary appropriations:</strong></td>
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<tr>
<td>Violent crime reduction programs</td>
<td>38,700,000</td>
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<td>General Purpose: Domestic functions</td>
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<td></td>
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<tr>
<td></td>
<td>13,097,063,000</td>
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<td></td>
<td>11,295,069,500</td>
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<tr>
<td><strong>Total, Discretionary</strong></td>
<td>11,020,163,000</td>
<td>13,175,263,000</td>
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<td></td>
<td>11,358,955,500</td>
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<tr>
<td><strong>Total</strong></td>
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<td>25,064,663,000</td>
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<td>23,248,355,500</td>
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<td>Approved by full Senate</td>
</tr>
<tr>
<td>----------------</td>
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<tr>
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<td>Final</td>
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<tr>
<td><strong>DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;<strong>H.R. 2002—PUBLIC LAW 104–50</strong></td>
<td></td>
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<tr>
<td>Mandatory appropriations</td>
<td></td>
<td></td>
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<tr>
<td>Discretionary appropriations:</td>
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<tr>
<td>Violent crime reduction programs</td>
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<td>General Purpose: Domestic functions</td>
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<tr>
<td>Total</td>
<td></td>
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</tr>
<tr>
<td><strong>TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;<strong>H.R. 2020—PUBLIC LAW 104–52</strong></td>
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<tr>
<td>Mandatory appropriations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discretionary appropriations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Purpose: Domestic functions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Discretionary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year 1995 enacted</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Budget request</td>
</tr>
<tr>
<td><strong>DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996</strong>&lt;br&gt;(H.R. 2076—HOUSE PASSED AND SENATE REPORTED)&lt;br&gt;(H.R. 3019—PUBLIC LAW 104±134)</td>
<td></td>
</tr>
<tr>
<td>Mandatory appropriations</td>
<td>20,316,311,000</td>
</tr>
<tr>
<td>Discretionary appropriations:</td>
<td></td>
</tr>
<tr>
<td>Violent crime reduction programs</td>
<td></td>
</tr>
<tr>
<td>General purpose:</td>
<td></td>
</tr>
<tr>
<td>Defense (function 050)</td>
<td>222,488,000</td>
</tr>
<tr>
<td>Domestic functions</td>
<td>61,393,418,061</td>
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<td>Total, General purpose</td>
<td>61,615,906,061</td>
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<tr>
<td>Total, Discretionary</td>
<td>61,615,906,061</td>
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<tr>
<td>Total</td>
<td>81,932,217,061</td>
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</table>

**SUPPLEMENTAL APPROPRIATIONS ACTS**

**TITLE II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNSPAYOUT TOWARD A BALANCED BUDGET AND FOR OTHER PURPOSES**

(H.R. 3019—PUBLIC LAW 104±134)

Discretionary appropriations:

| | | | |
| General purpose: | | | |
| Defense (function 050) | | | |
| Domestic functions | | | |
| Total | | | |
| Total | | | |
### TABLE 3. RECAP OF MANDATORY AND DISCRETIONARY SCORING BY ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Budget request</th>
<th>Reported by committee</th>
<th>Approved by full Senate</th>
<th>Budget request</th>
<th>Appropriated</th>
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<tbody>
<tr>
<td>Senate Final</td>
<td></td>
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<td></td>
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**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996**
*(H.R. 2076—HOUSE PASSED AND SENATE REPORTED)*
*(H.R. 3019—PUBLIC LAW 104–134)*

**Mandatory appropriations**

- 20,043,351,000

**Discretionary appropriations:**

- **Violent crime reduction programs**
  - 3,000,000

  **General purpose:**
  - **Defense (function 050)**
    - 153,935,000
  - **Domestic functions**
    - 70,351,065,093

  **Total, General purpose**
  - 70,505,000,093

  **Total, Discretionary**
  - 70,508,000,093

  **Total**
  - 90,551,351,093

**SUPPLEMENTAL APPROPRIATIONS ACTS**

**TITLE II AND III—MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET AND FOR OTHER PURPOSES**
*(H.R. 3019—PUBLIC LAW 104–134)*

**Discretionary appropriations:**

- **General purpose:**
  - **Defense (function 050)**
    - 960,000,000
  - **Domestic functions**
    - 139,900,000

  **Total**
  - 820,100,000

- **Defense (function 050)**
  - 960,000,000

- **Domestic functions**
  - 139,900,000

- **Total**
  - 820,100,000
### Table 3. Recap of Mandatory and Discretionary Scoring by ACT—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th>Fiscal year 1995 enacted</th>
<th>Budget request</th>
<th>Reported by committee</th>
<th>Approved by full House</th>
</tr>
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<tbody>
<tr>
<td>GRAND TOTAL FISCAL YEAR 1996</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandatory appropriations</td>
<td>271,371,582,200</td>
<td>285,795,437,000</td>
<td>283,608,390,000</td>
<td>283,587,390,000</td>
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<tr>
<td>Discretionary appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent crime trust fund</td>
<td>2,377,600,000</td>
<td>4,287,000,000</td>
<td>4,072,855,000</td>
<td>4,072,855,000</td>
</tr>
<tr>
<td>General purpose:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defense (function 050)</td>
<td>260,110,029,000</td>
<td>257,320,426,000</td>
<td>264,551,657,000</td>
<td>264,452,771,000</td>
</tr>
<tr>
<td>Domestic functions</td>
<td>227,391,694,311</td>
<td>273,103,110,590</td>
<td>218,228,503,306</td>
<td>218,138,349,306</td>
</tr>
<tr>
<td>Total, Discretionary</td>
<td>489,879,323,311</td>
<td>534,710,536,590</td>
<td>486,853,015,306</td>
<td>486,663,975,306</td>
</tr>
<tr>
<td>Total</td>
<td>761,250,905,511</td>
<td>820,505,973,590</td>
<td>770,461,405,306</td>
<td>770,251,365,306</td>
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<tr>
<td></td>
<td>Senate Budget request</td>
<td>Senate Reported by committee</td>
<td>Senate Approved by full Senate</td>
<td>Final Budget request</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>GRAND TOTAL FISCAL YEAR 1996</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandatory appropriations</td>
<td>286,394,309,000</td>
<td>284,657,876,000</td>
<td>284,657,876,000</td>
<td>286,394,309,000</td>
</tr>
<tr>
<td>Discretionary appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent crime trust fund</td>
<td>4,287,000,000</td>
<td>4,084,469,000</td>
<td>4,084,469,000</td>
<td>4,287,000,000</td>
</tr>
<tr>
<td>General purpose:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defense (function 050)</td>
<td>257,269,618,000</td>
<td>264,522,916,000</td>
<td>264,509,346,000</td>
<td>257,238,973,000</td>
</tr>
<tr>
<td>Domestic functions</td>
<td>273,625,931,590</td>
<td>220,688,390,991</td>
<td>220,780,739,991</td>
<td>273,520,290,590</td>
</tr>
<tr>
<td>Total, General purpose</td>
<td>530,895,549,590</td>
<td>485,211,306,991</td>
<td>485,290,085,991</td>
<td>530,759,263,590</td>
</tr>
<tr>
<td>Total, Discretionary</td>
<td>535,182,549,590</td>
<td>489,295,775,991</td>
<td>489,374,554,991</td>
<td>535,046,263,590</td>
</tr>
<tr>
<td>Total</td>
<td>821,576,858,590</td>
<td>773,953,651,991</td>
<td>774,032,430,991</td>
<td>821,440,572,590</td>
</tr>
</tbody>
</table>

1 Public Law 104–134 was not reported by Committee. House and Senate reported amounts reflect floor passage.
2 Reflects proposal to score obligation limitations as budget authority. Not acted upon by Congress.
3 Baltic States Supplemental, 1996 (Public Law 104–122) consisted of only emergency funding.

NOTE.—Amounts reflect scoring by Congressional Budget Office using guidelines established by fiscal year 1996 budget resolution.
## TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY

[Amounts in dollars]

### DEPARTMENT OF AGRICULTURE

<table>
<thead>
<tr>
<th></th>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
<th>1995 enacted</th>
<th>1996 request</th>
<th>Enacted</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>67,857,656,000</td>
<td>65,463,186,000</td>
<td>62,068,095,000</td>
<td>−5,789,561,000</td>
</tr>
<tr>
<td>Department of Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>2,803,602,000</td>
<td>2,416,539,000</td>
<td>2,275,773,000</td>
<td>−527,829,000</td>
<td>−140,766,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134)</td>
<td></td>
<td>228,600,000</td>
<td>216,514,000</td>
<td>+16,514,000</td>
<td>−12,086,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td>70,661,258,000</td>
<td>68,108,325,000</td>
<td>64,560,382,000</td>
<td>−6,100,876,000</td>
<td>−3,547,943,000</td>
<td></td>
</tr>
<tr>
<td>Legislative acts: Federal funds</td>
<td>670,000,000</td>
<td></td>
<td>−528,000,000</td>
<td>−1,198,000,000</td>
<td>−528,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
<td>5,125,454,000</td>
<td>5,184,188,000</td>
<td>+58,734,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>479,697,000</td>
<td>443,039,000</td>
<td>443,039,000</td>
<td>−12,086,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>76,936,409,000</td>
<td>73,735,552,000</td>
<td>69,659,609,000</td>
<td>−7,276,800,000</td>
<td>−4,075,943,000</td>
<td></td>
</tr>
</tbody>
</table>

### DEPARTMENT OF COMMERCE

|                         | Fiscal year—         | Appropriated | Appropriated versus— | 3,968,959,000 | 4,662,584,000 | 3,681,428,000 | −287,531,000 | −981,156,000 |
| Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) | −7,750,000 |                      | −75,000,000 | −67,250,000 | −75,000,000 |
| Supplemental appropriations: Federal funds | 5,125,454,000 | 5,184,188,000 | 5,184,188,000 | +58,734,000 |
| Trust funds             | 479,697,000 | 443,039,000 | 443,039,000 | −12,086,000 |
| Total                   |                      | 3,961,209,000 | 4,672,584,000 | 3,631,928,000 | −329,281,000 | −1,040,656,000 |
| Permanent appropriations: Federal funds | 67,385,000 | 91,265,000 | 91,265,000 | +23,880,000 |
| Total                   |                      | 4,028,794,000 | 4,764,049,000 | 3,723,393,000 | −305,401,000 | −1,040,656,000 |

### DEPARTMENT OF DEFENSE—MILITARY

<p>|                         | Fiscal year—         | Appropriated | Appropriated versus— | 244,937,145,000 | 236,071,834,000 | 243,525,431,000 | −1,411,714,000 | +7,453,597,000 |
| Department of Defense Appropriations Act, 1996 (Public Law 104–61) | −200,000,000 |                      | −561,217,000 | −361,217,000 | −561,217,000 |
| Military Construction Appropriations Act, 1996 (Public Law 104–32) | 8,836,000,000 | 10,697,995,000 | 11,215,995,000 | +2,379,995,000 | +518,000,000 |
| Rescissions             | −100,000,000 |                      | −38,986,000 | +61,614,000 | −38,986,000 |
| Total                   |                      | 244,937,145,000 | 236,071,834,000 | 243,525,431,000 | −1,411,714,000 | +7,453,597,000 |</p>
<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th></th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 enacted</td>
<td></td>
<td>1996 request</td>
<td>Enacted</td>
</tr>
<tr>
<td>Supp., Resc., offsets 1996 (Pub. Law 104–134)</td>
<td>620,000,000</td>
<td>962,400,000</td>
<td>+962,400,000</td>
</tr>
<tr>
<td>Rescissions</td>
<td>-960,000,000</td>
<td>-1,032,400,000</td>
<td>-1,032,400,000</td>
</tr>
<tr>
<td>Defense Supplemental, 1995 (Pub. Law 104–6)</td>
<td>-360,000,000</td>
<td>-50,000,000</td>
<td>+310,000,000</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>253,112,545,000</td>
<td>254,021,223,000</td>
<td>+908,678,000</td>
</tr>
<tr>
<td>Legislative acts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>35,000,000</td>
<td></td>
<td>-35,000,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>7,000,000</td>
<td></td>
<td>-7,000,000</td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>50,100,000</td>
<td>100,000</td>
<td>-50,000,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>186,551,000</td>
<td>489,985,000</td>
<td>303,434,000</td>
</tr>
<tr>
<td>Net total</td>
<td>253,391,196,000</td>
<td>254,511,308,000</td>
<td>+1,120,112,000</td>
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<tr>
<td>DEPARTMENT OF DEFENSE—CIVIL</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Pub. Law 104–134)</td>
<td>59,169,000</td>
<td>55,869,000</td>
<td>-3,300,000</td>
</tr>
<tr>
<td>Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Pub. Law 104–134)</td>
<td>12,017,000</td>
<td>11,946,000</td>
<td>-71,000</td>
</tr>
<tr>
<td>Supplementals, Rescissions and Offsets, 1996 (Pub. Law 104–134)</td>
<td>3,410,008,000</td>
<td>3,434,087,000</td>
<td>+24,079,000</td>
</tr>
<tr>
<td>Legislative acts: Trust funds</td>
<td>403,000,000</td>
<td></td>
<td>+403,000,000</td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>11,479,507,000</td>
<td>12,116,146,000</td>
<td>636,639,000</td>
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<tr>
<td>Trust funds</td>
<td>27,808,773,000</td>
<td>28,982,423,000</td>
<td>1,173,650,000</td>
</tr>
<tr>
<td>Total</td>
<td>42,698,288,000</td>
<td>44,935,656,000</td>
<td>+2,237,368,000</td>
</tr>
</tbody>
</table>
### TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>DEPARTMENT OF EDUCATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>26,861,310,000</td>
<td>28,220,106,000</td>
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<tr>
<td>Recissions</td>
<td>−61,000,000</td>
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<tr>
<td>Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>81,341,000</td>
<td>84,785,000</td>
</tr>
<tr>
<td>Supplementals, Recissions and Offsets, 1996 (Public Law 104–134) (recission)</td>
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<td></td>
</tr>
<tr>
<td>Net subtotal</td>
<td>26,881,651,000</td>
<td>28,304,891,000</td>
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<tr>
<td>Permanent appropriations:</td>
<td></td>
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<tr>
<td>Federal funds</td>
<td>6,272,294,000</td>
<td>4,267,802,000</td>
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<td>Trust funds</td>
<td>52,000</td>
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</tr>
<tr>
<td>Net total</td>
<td>33,153,997,000</td>
<td>32,572,693,000</td>
</tr>
<tr>
<td>DEPARTMENT OF ENERGY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy and Water Development Appropriations Act, 1996 (Public Law 104–46)</td>
<td>15,562,676,000</td>
<td>16,447,857,000</td>
</tr>
<tr>
<td>Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>1,265,887,000</td>
<td>1,416,775,000</td>
</tr>
<tr>
<td>Supplementals, Recissions and Offsets, 1996 (Public Law 104–134) (recission)</td>
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<td></td>
</tr>
<tr>
<td>Defense Supplemental, 1995 (Public Law 104–6) (recission)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net subtotal</td>
<td>16,828,563,000</td>
<td>17,864,632,000</td>
</tr>
<tr>
<td>Appropriated during prior Congressional sessions: 103d Congress, 2d session</td>
<td>1 375,000,000</td>
<td>1 200,000,000</td>
</tr>
<tr>
<td>Delay in obligation</td>
<td>1 (−337,879,000)</td>
<td>1 (−155,019,000)</td>
</tr>
<tr>
<td>Legislative acts: Federal funds</td>
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<td></td>
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<tr>
<td>Permanent appropriations: Federal funds</td>
<td>135,715,000</td>
<td>314,415,000</td>
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<tr>
<td>Net total</td>
<td>17,339,278,000</td>
<td>18,379,047,000</td>
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</table>
### TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>1995 enacted</th>
<th>1996 request</th>
<th>Appropriated versus—</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Appropriated</td>
<td>Enacted</td>
</tr>
</tbody>
</table>

#### ENVIRONMENTAL PROTECTION AGENCY

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134) ................................................................. 7,240,877,000 7,359,409,000 6,528,027,000

Permanent appropriations:

- Federal funds 2 ........................................................... 712,860,000
- Trust funds .................................................................. 200,010,000

Total .................................................................................. 7,240,897,000 7,559,419,000 6,728,037,000

#### FOREIGN ASSISTANCE

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) ................................................................. 13,656,921,750 14,773,904,666 12,103,536,669

Rescissions ........................................................................... 2,400,000

Baltic States Supplemental, 1996 (Public Law 104–122) .............. 190,000,000

Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134) 190,000,000

Rescission ........................................................................... 42,000,000

Net subtotal ......................................................................... 13,654,521,750 15,163,904,666 12,379,536,669

Permanent appropriations:

- Federal funds .................................................................. 812,328,000
- Trust funds ................................................................ 14,478,159,000

Net total ........................................................................... 27,320,352,750 27,950,763,666 25,166,395,669

#### GENERAL GOVERNMENT—INDEPENDENT AGENCIES

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37) ................................................................. 49,144,000 59,711,000 53,601,000

Rescissions ........................................................................... 2,000,000

Department of Defense Appropriations Act, 1996 (Public Law 104–61) 349,184,000 322,183,000 337,083,000

District of Columbia Appropriations Act, 1996 (Public Law 104–134) 712,070,000 712,070,000 712,070,000
## TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<p>| Agency | Fiscal year— | Appropriated | Appropriated versus— | | --- | --- | --- | --- | --- | --- |
|---|---|---|---|---|---|---|
| | 1995 enacted | 1996 request | Enacted | Request | | |
| Energy and Water Development Appropriations Act, 1996 (Public Law 104–46) | 455,408,000 | 369,063,000 | 311,550,000 | − 143,858,000 | − 57,513,000 |
| Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134) | 897,441,000 | 984,348,000 | 759,141,000 | − 138,300,000 | − 225,207,000 |
| Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) | 693,823,000 | 743,228,000 | 660,806,000 | − 33,017,000 | − 82,422,000 |
| Rescission | − 7,000,000 | − 7,000,000 | + 7,000,000 | |
| Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50) | 83,137,000 | 71,634,802 | 56,013,802 | − 27,123,198 | − 15,621,000 |
| Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52) | 779,188,000 | 785,635,000 | 725,704,000 | − 53,484,000 | − 59,931,000 |
| Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134) | 5,808,705,000 | 5,141,553,000 | 4,505,503,000 | − 1,358,202,000 | − 691,050,000 |
| Rescissions | − 35,000,000 | 107,129,000 | 3,400,000 | + 3,400,000 | − 103,729,000 |
| Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134) | | | | | |
| | | | | | |
| Disaster Assistance Supplemental, 1995 (Public Law 104–19) | | | | | |
| Rescission | | | | | |
| | | | | | |
| Net subtotal | 12,170,022,000 | 12,023,148,802 | 12,226,603,802 | + 56,398,198 | + 203,455,000 |
| Appropriated during prior Congressional sessions: | | | | | |
| 103d Congress, 2d session (rescission) | − 7,000,000 | | | + 7,000,000 | |
| 103d Congress, 1st session | | | | | |
| 102d Congress, 2d session | | | | | |
| Legislative acts: Federal funds | | | | | |
| Permanent appropriations: | | | | | |
| Federal funds | 8,392,374,000 | 7,086,421,000 | 7,086,421,000 | − 1,305,953,000 | |
| Trust funds | 11,936,937,000 | 12,166,903,000 | 12,166,903,000 | + 229,966,000 | |
| Net total | 32,787,953,000 | 31,573,112,802 | 31,790,927,802 | − 997,025,198 | + 217,815,000 |</p>
<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 enacted</td>
<td>1996 request</td>
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<tr>
<td><strong>GENERAL SERVICES ADMINISTRATION</strong></td>
<td></td>
<td></td>
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<tr>
<td>Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52)</td>
<td>466,579,000</td>
<td>932,599,000</td>
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<tr>
<td>Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>2,004,000</td>
<td>2,061,000</td>
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<tr>
<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134) (rescission)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>−3,500,000</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>468,583,000</td>
<td>931,160,000</td>
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<td>Legislative acts: Federal funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,000,000</td>
</tr>
<tr>
<td>Permanent appropriations: Federal funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>−31,491,000</td>
</tr>
<tr>
<td>Net total</td>
<td>437,092,000</td>
<td>1,243,502,000</td>
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<td><strong>DEPARTMENT OF HEALTH AND HUMAN SERVICES</strong></td>
<td></td>
<td></td>
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<tr>
<td>Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>147,330,013,000</td>
<td>168,200,874,000</td>
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<td>Rescissions</td>
<td>−230,796,000</td>
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<td>Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37)</td>
<td>884,415,000</td>
<td>883,643,000</td>
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<tr>
<td>Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>1,963,062,000</td>
<td>2,059,022,000</td>
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<tr>
<td>Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134) (offset)</td>
<td>2,166,000</td>
<td>1,811,000</td>
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<tr>
<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134) (rescission)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>−10,000,000</td>
</tr>
<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19) (rescission)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>−319,204,000</td>
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<tr>
<td>Net subtotal</td>
<td>149,948,860,000</td>
<td>171,145,350,000</td>
</tr>
<tr>
<td>Appropriated during prior Congressional sessions:</td>
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<td></td>
</tr>
<tr>
<td>103d Congress, 2d session</td>
<td>32,192,717,000</td>
<td>32,766,921,000</td>
</tr>
<tr>
<td>Fiscal year—</td>
<td>Appropriated</td>
<td>Appropriated versus—</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>103d Congress, 1st session</td>
<td>32,275,000,000</td>
<td>32,275,000,000</td>
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<tr>
<td>Indefinite</td>
<td>355,410,000</td>
<td>52,000,000</td>
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<tr>
<td>Legislative acts: Federal funds</td>
<td></td>
<td>3,959,240,000</td>
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<td>Permanent appropriations: Federal funds</td>
<td></td>
<td>4,341,667,000</td>
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<tr>
<td>Federal funds</td>
<td>21,197,218,000</td>
<td>40,819,037,000</td>
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<td>Net total</td>
<td>363,853,614,000</td>
<td>406,192,056,000</td>
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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<th>Appropriated</th>
<th>Appropriated versus—</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>103d Congress, 2d session</td>
<td>800,000,000</td>
<td>800,000,000</td>
</tr>
<tr>
<td>103d Congress, 1st session</td>
<td>800,000,000</td>
<td>800,000,000</td>
</tr>
<tr>
<td>Permanent appropriations: Federal funds</td>
<td>227,102,000</td>
<td>642,970,000</td>
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<tr>
<td>Net total</td>
<td>26,680,620,000</td>
<td>25,783,002,000</td>
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</table>

DEPARTMENT OF THE INTERIOR

<table>
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<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>103d Congress, 2d session</td>
<td>6,536,132,000</td>
<td>6,885,935,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>−30,000,000</td>
<td>−30,000,000</td>
</tr>
<tr>
<td>Energy and Water Development Appropriations Act, 1996 (Public Law 104–46)</td>
<td>868,688,000</td>
<td>833,017,000</td>
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<tr>
<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134)</td>
<td>109,000,000</td>
<td>166,900,000</td>
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<tr>
<td>Net subtotal</td>
<td>7,374,820,000</td>
<td>7,797,952,000</td>
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<td>Legislative acts: Federal funds</td>
<td>−1,000,000</td>
<td>200,000,000</td>
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</table>
### TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>1995 enacted</th>
<th>1996 request</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Enacted</td>
<td>Request</td>
</tr>
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<td><strong>Permanent appropriations:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>1,709,316,000</td>
<td>1,478,190,000</td>
<td>1,478,190,000</td>
<td>–231,126,000</td>
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<tr>
<td>Trust funds</td>
<td>623,282,000</td>
<td>591,939,000</td>
<td>591,939,000</td>
<td>–31,343,000</td>
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<tr>
<td>Net total</td>
<td>9,706,418,000</td>
<td>9,868,081,000</td>
<td>9,322,593,000</td>
<td>–383,825,000</td>
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<tr>
<td><strong>THE JUDICIARY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>2,905,829,000</td>
<td>3,335,994,000</td>
<td>3,054,812,000</td>
<td>+148,983,000 –281,182,000</td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>155,294,000</td>
<td>146,728,000</td>
<td>146,728,000</td>
<td>–8,566,000</td>
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<tr>
<td>Trust funds</td>
<td>57,325,000</td>
<td>61,845,000</td>
<td>61,845,000</td>
<td>+4,520,000</td>
</tr>
<tr>
<td>Total</td>
<td>3,118,448,000</td>
<td>3,544,567,000</td>
<td>3,263,385,000</td>
<td>+144,937,000 –281,182,000</td>
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<tr>
<td><strong>DEPARTMENT OF JUSTICE</strong></td>
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<td></td>
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<tr>
<td>Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>12,295,253,000</td>
<td>15,251,472,000</td>
<td>14,649,470,000</td>
<td>+2,354,217,000 –602,002,000</td>
</tr>
<tr>
<td>Rescissions</td>
<td>−5,500,000</td>
<td>−65,000,000</td>
<td>−65,000,000</td>
<td>−2,000,000</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>12,289,753,000</td>
<td>15,251,472,000</td>
<td>14,584,470,000</td>
<td>+2,294,717,000 –667,002,000</td>
</tr>
<tr>
<td>Legislative acts: Federal funds</td>
<td>2,000,000</td>
<td></td>
<td></td>
<td>−2,000,000</td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>1,339,039,000</td>
<td>1,452,952,000</td>
<td>1,452,952,000</td>
<td>+113,913,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>16,264,000</td>
<td>16,264,000</td>
<td></td>
<td>+16,264,000</td>
</tr>
<tr>
<td>Net total</td>
<td>13,630,792,000</td>
<td>16,720,688,000</td>
<td>16,053,686,000</td>
<td>+2,422,894,000 –667,002,000</td>
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<tr>
<td><strong>DEPARTMENT OF LABOR</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)</td>
<td>8,452,173,000</td>
<td>9,631,811,000</td>
<td>7,978,686,000</td>
<td>−795,787,000 –1,975,425,000</td>
</tr>
<tr>
<td>Rescissions</td>
<td></td>
<td>−322,000,000</td>
<td>−322,000,000</td>
<td>−322,000,000</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>8,452,173,000</td>
<td>9,631,811,000</td>
<td>7,656,386,000</td>
<td>−795,787,000 –1,975,425,000</td>
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</table>
### TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
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<tr>
<th>Permanent appropriations</th>
<th>Appropriated 1995 enacted</th>
<th>Appropriated 1996 request</th>
<th>Enacted versus Enacted Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal funds</td>
<td>18,800,000</td>
<td>19,948,000</td>
<td>+ 1,148,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>25,529,300,000</td>
<td>27,442,300,000</td>
<td>+ 1,913,000,000</td>
</tr>
<tr>
<td><strong>Net total</strong></td>
<td>34,000,273,000</td>
<td>37,094,059,000</td>
<td>+ 1,118,361,000,000</td>
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**LEGISLATIVE BRANCH**

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<tbody>
<tr>
<td>Rescission</td>
<td>2,390,554,700</td>
<td>2,617,614,000</td>
<td>− 201,698,700, − 428,758,000</td>
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<tr>
<td><strong>Net subtotal</strong></td>
<td>2,367,554,700</td>
<td>2,617,614,000</td>
<td>− 242,243,424, − 492,302,724</td>
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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

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<td>Rescissions</td>
<td>14,386,684,000</td>
<td>14,260,000,000</td>
<td>− 126,684,000, − 356,300,000</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>14,376,684,000</td>
<td>14,260,000,000</td>
<td>− 472,684,000, − 356,300,000</td>
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**OFFICE OF PERSONNEL MANAGEMENT**

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11,693,109,000</td>
<td>11,837,591,000</td>
<td>+ 123,882,000, − 20,600,000</td>
</tr>
</tbody>
</table>
### TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
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<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>Legislative acts:</td>
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<td></td>
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<tr>
<td>Federal funds</td>
<td>1,000,000</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>444,000,000</td>
<td></td>
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<tr>
<td>Permanent appropriations:</td>
<td></td>
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<tr>
<td>Federal funds</td>
<td>12,736,932,000</td>
<td>12,811,759,000</td>
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<tr>
<td>Trust funds</td>
<td>37,968,499,000</td>
<td>39,744,283,000</td>
</tr>
<tr>
<td>Total</td>
<td>62,843,540,000</td>
<td>64,393,633,000</td>
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#### SMALL BUSINESS ADMINISTRATION

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)...

<table>
<thead>
<tr>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
</tr>
<tr>
<td>Legislative acts: Federal funds</td>
<td>916,406,000</td>
</tr>
<tr>
<td>Permanent appropriations:</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>-61,000,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>37,968,499,000</td>
</tr>
<tr>
<td>Total</td>
<td>916,406,000</td>
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</tbody>
</table>

#### SOCIAL SECURITY ADMINISTRATION

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)...

| Appropriated during prior Congressional sessions: | | | | |
| 103d Congress, 1st session | 21,781,996,000 | 19,328,994,000 | 19,074,184,000 | -2,707,812,000 |
| 103d Congress, 2nd session | 6,960,000,000 | 7,240,000,000 | 7,240,000,000 | +7,240,000,000 |
| Permanent appropriations: | | | | |
| Federal funds | 4,833,000,000 | 6,683,000,000 | 6,683,000,000 | +1,850,000,000 |
| Trust funds | 338,930,436,000 | 356,316,892,000 | 356,316,892,000 | +17,386,456,000 |
| Total | 372,505,432,000 | 389,568,886,000 | 389,314,076,000 | +16,808,444,000 |
## TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

### DEPARTMENT OF STATE

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td></td>
<td>4,143,650,000</td>
<td>4,202,312,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>64,500,000</td>
<td>64,500,000</td>
</tr>
</tbody>
</table>

- **Net subtotal**: 4,143,650,000 | 4,202,312,000 | –235,662,000 | –294,324,000 |

**Legislative acts:** Federal funds

- 4,000,000

**Permanent appropriations:**

- Federal funds: 143,673,000 | 144,448,000 | +775,000 |
- Trust funds: 471,386,000 | 503,052,000 | +31,666,000 |

- **Net total**: 4,754,709,000 | 4,849,812,000 | –199,221,000 | –294,324,000 |

### DEPARTMENT OF TRANSPORTATION

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<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td></td>
<td>14,247,625,000</td>
<td>35,442,717,000</td>
</tr>
</tbody>
</table>

- **Rescissions**: 118,111,000 | 45,386,971 | +72,724,029 |

**Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134)**

- 252,380,000 | 308,650,000 | 56,270,000 |

- **Rescissions**: 158,000,000

**Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134)**

- 267,000,000 | 300,000,000 | +30,000,000 |

- **Rescissions**: 762,000,000

- **Net subtotal**: 14,223,894,000 | 35,972,980,029 | 12,317,869,177 | –1,906,024,823 | –23,655,110,852 |

**Legislative acts:** Trust funds

- 2,161,000,000

**Permanent appropriations:**

- Federal funds: 59,740,000 | 47,166,000 | –12,574,000 |
- Trust funds: 26,252,168,000 | 1,360,288,000 | +15,891,880,000 |

- **Net total**: 42,696,802,000 | 37,380,434,029 | 13,725,323,177 | –28,971,478,823 | –23,655,110,852 |

### DEPARTMENT OF THE TREASURY

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td></td>
<td>10,531,371,000</td>
<td>11,340,663,000</td>
</tr>
</tbody>
</table>


- 10,531,371,000 | 11,340,663,000 | 10,380,513,000 | –150,858,000 | –960,150,000 |
## TABLE 4. APPROPRIATIONS FOR FISCAL YEAR 1996 BY AGENCY—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
</tr>
<tr>
<td>Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37) ...</td>
<td>57,026,000</td>
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<tr>
<td>Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134) ...</td>
<td>125,000,000</td>
<td>144,000,000</td>
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<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134) (offset) ...</td>
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</table>
# Table 4. Appropriations for Fiscal Year 1996 by Agency—Continued

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Fiscal Year—</th>
<th>Appropriated</th>
<th>Appropriated versus—</th>
<th>Enacted</th>
<th>Request</th>
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<tr>
<td></td>
<td>1995 enacted</td>
<td>1996 request</td>
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<tr>
<td><strong>ADJUSTMENTS</strong></td>
<td></td>
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<tr>
<td>Combined budget adjustments (net)</td>
<td>$-6,103,501,000</td>
<td>$7,336,897,000</td>
<td>$6,639,172,000</td>
<td>$+12,742,673,000</td>
</tr>
<tr>
<td>Grand total:</td>
<td></td>
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<tr>
<td>Regular annual appropriation acts</td>
<td>$733,244,208,511</td>
<td>$774,885,939,561</td>
<td>$730,034,479,619</td>
<td>$-3,209,728,892</td>
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<tr>
<td>Rescissions</td>
<td>$-1,279,157,000</td>
<td>$-273,505,971</td>
<td>$-1,658,853,695</td>
<td>$-379,696,695</td>
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<tr>
<td>Supplemental appropriation acts</td>
<td>$1,996,729,000</td>
<td>$5,020,714,000</td>
<td>$5,020,714,000</td>
<td>$+3,023,985,000</td>
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<tr>
<td>Rescissions</td>
<td>$-963,500,000</td>
<td>$-3,749,450,000</td>
<td>$-3,749,450,000</td>
<td>$-2,785,950,000</td>
</tr>
<tr>
<td>Budget adjustments (net)</td>
<td>$-6,103,501,000</td>
<td>$7,336,897,000</td>
<td>$6,639,172,000</td>
<td>$+12,742,673,000</td>
</tr>
<tr>
<td>Net subtotal</td>
<td>$725,861,550,511</td>
<td>$782,982,559,590</td>
<td>$736,286,061,924</td>
<td>$+10,424,511,413</td>
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<tr>
<td>Legislative acts:</td>
<td></td>
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<tr>
<td>Federal funds</td>
<td>$597,000,000</td>
<td>(2)</td>
<td>$-294,000,000</td>
<td>$-891,000,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>$2,612,000,000</td>
<td>(2)</td>
<td>$401,000,000</td>
<td>$-2,211,000,000</td>
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<tr>
<td>Appropriated during prior Congressional sessions for fiscal year 1996</td>
<td>$41,051,050,000</td>
<td>$40,729,357,000</td>
<td>$40,518,921,000</td>
<td>$-532,129,000</td>
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<td>Permanent appropriations:</td>
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<tr>
<td>Federal funds</td>
<td>$415,086,303,000</td>
<td>$449,558,743,000</td>
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<td>Trust funds</td>
<td>$663,517,153,000</td>
<td>$681,690,225,000</td>
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<tr>
<td>Net subtotal</td>
<td>$1,848,725,056,511</td>
<td>$1,954,960,884,590</td>
<td>$1,908,160,950,924</td>
<td>$+59,435,894,413</td>
</tr>
<tr>
<td>Less estimates and appropriations made during prior Congressional sessions for fiscal year 1996</td>
<td>$-41,051,050,000</td>
<td>$-40,729,357,000</td>
<td>$-40,518,921,000</td>
<td>$+532,129,000</td>
</tr>
<tr>
<td>Net total for fiscal year 1996 provided by 104th Congress, 1st session</td>
<td>$1,807,674,006,511</td>
<td>$1,914,231,527,590</td>
<td>$1,857,642,029,924</td>
<td>$+59,968,023,413</td>
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<tr>
<td>Less adjustments for interfund and intragovernmental transaction (see ‘‘Compilers’ Notes’’)</td>
<td>$-286,921,000,000</td>
<td>$-328,451,000,000</td>
<td>$-328,451,000,000</td>
<td>$-41,530,000,000</td>
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<tr>
<td>Net total, fiscal year 1996</td>
<td>$1,520,753,006,511</td>
<td>$1,585,780,527,590</td>
<td>$1,539,191,029,924</td>
<td>$+18,438,023,413</td>
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1 Reflects net total of offsetting actions.
2 1996 request unavailable.
<table>
<thead>
<tr>
<th>TABLE 5. APPROPRIATIONS ARRANGED BY AGENCY AND FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Amounts in dollars]</td>
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<tr>
<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
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<tr>
<td><strong>FISCAL YEAR 1996</strong></td>
</tr>
<tr>
<td>Regular annual acts and supplemental act .....................</td>
</tr>
</tbody>
</table>
| Legislative acts: Federal funds .................................
| Permanent appropriations:                                  |
| Federal funds .................................................. |
| Trust funds .................................................... |
| Total, fiscal year 1996 ....................................... |
| **FISCAL YEAR 1995**                                        |
| **Supplemental act:**                                      |
| Appropriations .................................................. |
| Rescissions .................................................... |
| Net total, fiscal year 1995 ................................... |
| Net total for session ......................................... |
| **DEPARTMENT OF COMMERCE**                                 |
| **FISCAL YEAR 1996**                                        |
| Regular annual acts and supplemental act ..................... |
| Rescissions .................................................... |
| Net subtotal .................................................... |
| Permanent appropriations:                                  |
| Federal funds .................................................. |
| Trust funds .................................................... |
| Net total, fiscal year 1996 ................................... |
| **FISCAL YEAR 1995**                                        |
| **Supplemental acts (rescissions)** .......................... |
| Net total for session ......................................... |
| **DEPARTMENT OF DEFENSE—MILITARY**                         |
| **FISCAL YEAR 1996**                                        |
| Regular annual acts and supplemental act ..................... |
| Rescissions .................................................... |
| Net subtotal .................................................... |
| Permanent appropriations:                                  |
| Federal funds .................................................. |
| Trust funds .................................................... |
| Net total, fiscal year 1996 ................................... |
| **FISCAL YEAR 1995**                                        |
| **Supplemental acts:**                                      |
| Appropriations .................................................. |
| Rescissions .................................................... |
### Appropriations Arranged by Agency and Fiscal Year

[Amounts in dollars]

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<thead>
<tr>
<th></th>
<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Net total, fiscal year 1995</td>
<td>2,224,997,000</td>
<td>349,441,000</td>
<td>−1,875,556,000</td>
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<tr>
<td>Net total for session</td>
<td>249,144,911,000</td>
<td>254,860,749,000</td>
<td>+5,715,838,000</td>
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</table>

### Department of Defense—Civil

#### Fiscal Year 1996

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Regular annual acts and supplemental act</td>
<td>3,545,704,000</td>
<td>3,434,087,000</td>
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<tr>
<td>Legislative acts: Trust funds</td>
<td>..........................</td>
<td>403,000,000</td>
<td>+403,000,000</td>
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<tr>
<td>Permanent appropriations:</td>
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<td></td>
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<tr>
<td>Federal funds</td>
<td>12,116,146,000</td>
<td>12,116,146,000</td>
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<td>Trust funds</td>
<td>28,982,423,000</td>
<td>28,982,423,000</td>
<td>..........................</td>
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<tr>
<td>Total, fiscal year 1996</td>
<td>44,644,273,000</td>
<td>44,935,656,000</td>
<td>+291,383,000</td>
</tr>
</tbody>
</table>

#### Fiscal Year 1995

|                                |                  |              |                  |
| Supplemental act (rescissions) | −70,000,000      | −70,000,000  |                  |
| Net total for session          | 44,644,273,000   | 44,865,656,000 | −221,383,000     |

### Department of Education

#### Fiscal Year 1996

|                                |                  |              |                  |
| Regular annual acts and supplemental act | 28,304,891,000 | 24,038,306,000 | −4,266,585,000   |
| Rescission                      | −53,446,000      | −53,446,000  |                  |
| Net subtotal                    | 28,304,891,000   | 23,984,860,000 | −4,320,031,000   |
| Permanent appropriations: Federal funds | 4,267,802,000 | 4,267,802,000 |                  |
| Net total, fiscal year 1996    | 32,572,693,000   | 28,252,662,000 | −4,320,031,000   |

#### Fiscal Year 1995

| Supplemental acts (rescissions) | −187,735,000      | −187,735,000 |                  |
| Net subtotal                    | 32,384,958,000   | 28,875,736,000 | −3,509,222,000   |

### Department of Energy

#### Fiscal Year 1996

|                                |                  |              |                  |
| Regular annual acts and supplemental act | 17,864,632,000 | 16,356,646,000 | −1,507,986,000   |
| Rescission                      | −50,000,000      | −50,000,000  |                  |
| Net subtotal                    | 17,864,632,000   | 16,306,646,000 | −1,557,986,000   |
| Appropriated during previous Congressional session | 200,000,000 | 1 200,000,000 |                  |
| Legislative acts: Federal funds | −3,000,000       | −3,000,000  |                  |
| Permanent appropriations: Federal funds | 314,415,000 | 314,415,000 |                  |
| Net total, fiscal year 1996    | 18,384,958,000   | 16,818,061,000 | −1,560,896,000   |

#### Fiscal Year 1995

| Supplemental acts (rescissions) | −406,728,000      | −406,728,000 |                  |
| Net total for session          | 18,379,047,000   | 16,261,333,000 | −2,117,714,000   |

### Environmental Protection Agency

#### Fiscal Year 1996

<p>| | | | |
|                                |                  |              |                  |
| Regular annual act             | 7,359,409,000    | 6,528,027,000 | −831,382,000     |
| Permanent appropriations: Trust funds | 200,010,000 | 200,010,000 |                  |</p>
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<thead>
<tr>
<th></th>
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<th>Appropriated</th>
<th>Difference</th>
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<tr>
<td><strong>Total, fiscal year 1996</strong></td>
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<td>-1,284,641,805</td>
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**FOREIGN ASSISTANCE**

**FISCAL YEAR 1996**

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<td>-42,000,000</td>
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<tr>
<td>Net subtotal</td>
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<td>12,379,536,669</td>
<td>-2,784,367,997</td>
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<td>Permanent appropriations:</td>
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<tr>
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<td>-641,745,000</td>
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<tr>
<td>Supplemental acts:</td>
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<td></td>
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<tr>
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<td>275,000,000</td>
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<tr>
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<td></td>
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**GENERAL GOVERNMENT—INDEPENDENT AGENCIES**

**FISCAL YEAR 1996**

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<th>Appropriated</th>
<th>Difference</th>
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<td>-1,044,400,000</td>
<td>-1,044,400,000</td>
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<tr>
<td>Supplemental acts:</td>
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<tr>
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<td>-725,967,034</td>
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<td>2,491,971,966</td>
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<tr>
<td>Supplemental act (rescission)</td>
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<td><strong>FISCAL YEAR 1998</strong></td>
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**GENERAL SERVICES ADMINISTRATION**

**FISCAL YEAR 1996**

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<tr>
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<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular annual acts and supplemental act</td>
<td>934,660,000</td>
<td>242,607,000</td>
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### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### FISCAL YEAR 1996

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<thead>
<tr>
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<th>Difference</th>
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</thead>
<tbody>
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<td>−3,400,000</td>
<td>+100,000</td>
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<td>931,160,000</td>
<td>239,207,000</td>
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<td>Legislative acts: Federal funds</td>
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<tr>
<td>Permanent appropriations: Federal funds</td>
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<tr>
<td>Net total, fiscal year 1996</td>
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<td>552,549,000</td>
<td>−690,953,000</td>
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<tr>
<td>FISCAL YEAR 1995</td>
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<td>Supplemental act (rescission)</td>
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<td>−300,000</td>
<td>−631,112,000</td>
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<td>1,243,502,000</td>
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#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### FISCAL YEAR 1996

<table>
<thead>
<tr>
<th>Description</th>
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<th>Appropriated</th>
<th>Difference</th>
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<td>Rescissions</td>
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<td>−198,119,000</td>
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<tr>
<td>Supplemental act:</td>
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<td></td>
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<tr>
<td>Appropriations</td>
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<td>13,400,392,000</td>
<td>−11,909,610,000</td>
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#### DEPARTMENT OF THE INTERIOR

#### FISCAL YEAR 1996

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<tr>
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<th>Appropriated</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Rescissions</td>
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<td>7,082,464,000</td>
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<td>Net subtotal</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Net total, fiscal year 1996</td>
<td>25,310,002,000</td>
<td>13,400,392,000</td>
<td>−11,909,610,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>Budget estimates</td>
<td>Appropriated</td>
<td>Difference</td>
</tr>
<tr>
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</tr>
<tr>
<td>-30,000,000</td>
<td>-30,000,000</td>
<td>-30,000,000</td>
<td>-745,488,000</td>
</tr>
</tbody>
</table>

Rescission | 7,797,952,000 | 7,052,464,000 | -745,488,000 |

Net subtotal | 9,868,081,000 | 9,322,593,000 | -545,488,000 |

Legislative acts: Federal funds | 1,478,190,000 | 1,478,190,000 | 0 |

Permanant appropriations:

Federal funds | 591,939,000 | 591,939,000 | 0 |

Net total, fiscal year 1996 | 9,868,081,000 | 9,322,593,000 | -545,488,000 |

FISCAL YEAR 1995

Supplemental act:

Appropriations | 6,800,000 | -31,169,000 | -37,969,000 |

Rescissions | -10,400,000 | -138,223,000 | -148,623,000 |

Net total, fiscal year 1995 | 6,800,000 | -169,392,000 | -176,192,000 |

Net total for session | 9,874,881,000 | 9,153,201,000 | -721,680,000 |

THE JUDICIARY

FISCAL YEAR 1996

Regular annual act | 3,335,994,000 | 3,054,812,000 | -281,182,000 |

Permanant appropriations:

Federal funds | 146,728,000 | 146,728,000 | 0 |

Trust funds | 61,845,000 | 61,845,000 | 0 |

Total, fiscal year 1996 | 3,544,567,000 | 3,263,385,000 | -281,182,000 |

FISCAL YEAR 1995

Supplemental act:

Appropriation | 10,400,000 | 16,640,000 | +6,240,000 |

Rescissions | -10,400,000 | -15,500,000 | -5,100,000 |

Net total, fiscal year 1995 | 1,140,000 | 1,140,000 | 0 |

Net total for session | 3,544,567,000 | 3,264,525,000 | -280,042,000 |

DEPARTMENT OF JUSTICE

FISCAL YEAR 1996

Regular annual act | 15,251,472,000 | 14,649,470,000 | -602,002,000 |

Rescission | -65,000,000 | -65,000,000 | 0 |

Net subtotal | 15,251,472,000 | 14,584,470,000 | -667,002,000 |

Permanant appropriations:

Federal funds | 1,452,952,000 | 1,452,952,000 | 0 |

Trust funds | 16,264,000 | 16,264,000 | 0 |

Net total, fiscal year 1996 | 16,720,688,000 | 16,053,686,000 | -667,002,000 |

FISCAL YEAR 1995

Supplemental acts:

Appropriations | 71,455,000 | 113,360,000 | +41,905,000 |

Rescissions | -28,037,000 | -101,637,000 | -73,600,000 |

Net total, fiscal year 1995 | 43,418,000 | 11,723,000 | -31,695,000 |

FISCAL YEAR 1997

Regular annual act | 32,655,000 | 16,264,000 | -16,391,000 |

Net total for session | 16,796,761,000 | 16,081,673,000 | -715,088,000 |
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<tr>
<th>Department of Labor</th>
<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
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<th>Difference</th>
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<tr>
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<th>Appropriated</th>
<th>Difference</th>
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<tbody>
<tr>
<td><strong>Fiscal Year 1996</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual act</td>
<td>14,260,000,000</td>
<td>13,903,700,000</td>
<td>-356,300,000</td>
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<tr>
<td>Permanent Appropriations: Trust funds</td>
<td>1,368,000</td>
<td>1,368,000</td>
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<tr>
<td>Total, fiscal year 1996</td>
<td>14,261,368,000</td>
<td>13,905,068,000</td>
<td>-356,300,000</td>
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<tr>
<td>Supplemental acts:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation (delay of obligation)</td>
<td>-365,000,000</td>
<td>-365,000,000</td>
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<tr>
<td>Rescission</td>
<td>-204,000,000</td>
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<tr>
<td>Net total, fiscal year 1995</td>
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<tr>
<td>Supplemental act</td>
<td>365,000,000</td>
<td>+ 365,000,000</td>
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<td>Net total for session</td>
<td>14,223,368,000</td>
<td>13,701,068,000</td>
<td>522,300,000</td>
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<table>
<thead>
<tr>
<th>Office of Personnel Management</th>
<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
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<tbody>
<tr>
<td><strong>Fiscal Year 1996</strong></td>
<td></td>
<td></td>
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<tr>
<td>Regular annual act</td>
<td>11,837,591,000</td>
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<td>Legislative acts: Trust funds</td>
<td>-2,000,000</td>
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</table>
### Appropriations Arranged by Agency and Fiscal Year

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Agency</th>
<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
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<tbody>
<tr>
<td><strong>Permanent appropriations:</strong></td>
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<tr>
<td>Federal funds</td>
<td>12,811,759,000</td>
<td>12,811,759,000</td>
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<td>Trust funds</td>
<td>39,744,283,000</td>
<td>39,744,283,000</td>
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<tr>
<td><strong>Total, fiscal year 1996</strong></td>
<td>64,393,633,000</td>
<td>64,371,033,000</td>
<td>-22,600,000</td>
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<tr>
<td><strong>Fiscal Year 1995</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Supplemental acts:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>9,000,000</td>
<td>9,000,000</td>
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</tr>
<tr>
<td>Rescissions</td>
<td>-3,140,000</td>
<td>-3,140,000</td>
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<tr>
<td><strong>Net total, fiscal year 1995</strong></td>
<td>9,000,000</td>
<td>5,860,000</td>
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<tr>
<td><strong>Net total for session</strong></td>
<td>64,402,633,000</td>
<td>64,376,893,000</td>
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<td><strong>Small Business Administration</strong></td>
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<tr>
<td>Fiscal Year 1996</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>731,506,000</td>
<td>689,578,000</td>
<td>-41,928,000</td>
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<tr>
<td>Trust funds</td>
<td>356,316,892,000</td>
<td>356,316,892,000</td>
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</tr>
<tr>
<td><strong>Total, fiscal year 1996</strong></td>
<td>731,506,000</td>
<td>689,578,000</td>
<td>-41,928,000</td>
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<tr>
<td><strong>Fiscal Year 1997</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Supplemental acts (rescissions)</strong></td>
<td></td>
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</tr>
<tr>
<td>Federal funds</td>
<td>-15,000,000</td>
<td>-21,000,000</td>
<td>-6,000,000</td>
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<td>Trust funds</td>
<td>-356,316,892,000</td>
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<tr>
<td><strong>Net total for session</strong></td>
<td>716,506,000</td>
<td>668,578,000</td>
<td>-47,928,000</td>
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<tr>
<td><strong>Social Security Administration</strong></td>
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<tr>
<td>Fiscal Year 1996</td>
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<td></td>
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</tr>
<tr>
<td>Regular annual act</td>
<td>19,328,994,000</td>
<td>19,074,184,000</td>
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<tr>
<td>Appropriated during 103d Congress, 2d session</td>
<td>7,240,000,000</td>
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<tr>
<td><strong>Total, fiscal year 1996</strong></td>
<td>389,568,886,000</td>
<td>389,314,076,000</td>
<td>-254,810,000</td>
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<tr>
<td><strong>Fiscal Year 1997</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Regular annual act</strong></td>
<td>9,430,000,000</td>
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<tr>
<td><strong>Total for session</strong></td>
<td>398,998,886,000</td>
<td>398,744,076,000</td>
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<tr>
<td><strong>Department of State</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fiscal Year 1996</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual act and supplemental act</td>
<td>4,202,312,000</td>
<td>3,972,488,000</td>
<td>-229,824,000</td>
</tr>
<tr>
<td>Rescission</td>
<td>-64,500,000</td>
<td>-64,500,000</td>
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</tr>
<tr>
<td><strong>Net subtotal</strong></td>
<td>4,202,312,000</td>
<td>3,907,988,000</td>
<td>-294,324,000</td>
</tr>
<tr>
<td><strong>Permanent appropriations:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>144,448,000</td>
<td>144,448,000</td>
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</tr>
<tr>
<td>Trust funds</td>
<td>503,052,000</td>
<td>503,052,000</td>
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</tr>
<tr>
<td><strong>Net total, fiscal year 1996</strong></td>
<td>4,849,812,000</td>
<td>4,555,488,000</td>
<td>-294,324,000</td>
</tr>
<tr>
<td><strong>Fiscal Year 1995</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Supplemental act</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>672,000,000</td>
<td>-672,000,000</td>
<td></td>
</tr>
<tr>
<td>Rescissions</td>
<td>-46,867,000</td>
<td>-46,867,000</td>
<td></td>
</tr>
<tr>
<td><strong>Net total, fiscal year 1995</strong></td>
<td>672,000,000</td>
<td>-46,867,000</td>
<td>-718,867,000</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS ARRANGED BY AGENCY AND FISCAL YEAR

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Budget estimates</th>
<th>Appropriated</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net total for session</td>
<td>5,521,812,000</td>
<td>4,508,621,000</td>
</tr>
</tbody>
</table>

#### DEPARTMENT OF TRANSPORTATION

**FISCAL YEAR 1996**

Regular annual acts and supplemental act .......... 36,018,367,000 13,162,656,148 −22,855,710,852
Rescissions ................................................. −45,386,971 −844,786,971 −799,400,000

Net subtotal ............................................. 35,972,980,029 12,317,869,177 −23,655,110,852

Legislative acts: Trust funds 2
Permanent appropriations:
Federal funds ................................................. 47,166,000 47,166,000
Trust funds .................................................. 1,360,288,000 1,360,288,000

Net total, fiscal year 1996 ...................... 37,380,434,029 13,725,323,177 −23,655,110,852

**FISCAL YEAR 1995**

Supplemental acts:
Appropriations ............................................. 28,297,000 21,500,000 −6,797,000
Rescissions .................................................. −514,896,371 −2,822,139,950 −2,307,243,579

Net total, fiscal year 1995 ...................... −486,599,371 −2,800,639,950 −2,314,040,579

Net total for session ................................ 36,893,834,658 10,924,683,227 −25,969,151,431

#### DEPARTMENT OF THE TREASURY

**FISCAL YEAR 1996**

Regular annual acts and supplemental act .......... 11,500,116,000 10,100,966,000 −1,399,150,000
Legislative acts: Federal funds ........................... −15,000,000 −15,000,000
Permanent appropriations:
Federal funds ................................................. 392,729,187,000 392,729,187,000
Trust funds .................................................. 3,249,000 3,249,000

Total, fiscal year 1996 ............................ 404,232,552,000 402,818,402,000 −1,414,150,000

**FISCAL YEAR 1995**

Supplemental act:
Appropriations ............................................. 23,982,000 54,598,000 +30,616,000
Rescissions .................................................. −14,250,000 −14,250,000

Net total, fiscal year 1995 ...................... 23,982,000 40,348,000 +16,366,000

Net total for session ................................ 404,256,534,000 402,858,750,000 −1,397,784,000

#### DEPARTMENT OF VETERANS AFFAIRS

**FISCAL YEAR 1996**

Regular annual act .............................................. 39,288,351,093 38,372,807,000 −915,544,093
Permanent appropriations:
Federal funds ................................................. 134,053,000 134,053,000
Trust funds .................................................. 1,400,346,000 1,400,346,000

Total, fiscal year 1996 ............................ 40,822,750,093 39,907,206,000 −915,544,093

**FISCAL YEAR 1995**

Supplemental acts (rescissions) .......................... −81,000,000 −81,000,000

Net total for session ................................ 40,822,750,093 39,826,206,000 −996,544,093

#### GOVERNMENT-WIDE

**FISCAL YEAR 1996**

Supplemental act (rescission) .......................... −500,000,000 −500,000,000
Permanent appropriations: Federal funds ...........

---
<table>
<thead>
<tr>
<th>NET TOTAL, FISCAL YEAR 1996</th>
<th>BUDGET ESTIMATES</th>
<th>APPROPRIATIONS</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net total, fiscal year 1996</td>
<td>$155,709,000</td>
<td>$655,709,000</td>
<td>$500,000,000</td>
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</table>

**ADJUSTMENTS**

<table>
<thead>
<tr>
<th>NET TOTAL, FISCAL YEAR 1996</th>
<th>BUDGET ESTIMATES</th>
<th>APPROPRIATIONS</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular annual acts (net)</td>
<td>$7,336,897,000</td>
<td>$6,639,172,000</td>
<td>$697,725,000</td>
</tr>
</tbody>
</table>

**GRAND TOTAL:**

- **Appropriations, fiscal year 1996:**
  - Appropriations: $1,948,860,993,561
  - Rescissions: $1,237,005,971
  - Budget adjustments (net): $7,336,897,000
  - Net subtotal: $1,954,960,884,590
- **Net total, fiscal year 1996:** $1,914,231,527,590

**Appropriations, fiscal year 1995:**

- Appropriations: $10,451,003,000
- Rescissions: $1,652,924,176
- Net total, fiscal year 1995: $8,798,078,824

**Appropriations, fiscal year 1997:**

- Appropriations: $41,737,209,000
- Rescissions: $205,000,000
- Net total, fiscal year 1997: $41,737,209,000

**Net total for session:** $1,636,612,215,414

Less adjustments for interfund and intragovernmental transactions (see "Compilers' Notes")

Net total for session: $1,636,612,215,414

Consisting of:

- **Regular annual and supplemental appropriation acts:** $829,367,280,561
- Rescissions: $2,889,930,147
- Budget adjustments (net): $7,336,897,000
- Net total: $833,814,247,414

Legislative acts: ($3) $107,000,000

Permanent appropriations: $1,131,248,968,000

Adjustments for interfund and intragovernmental transactions (see "Compilers' Notes"): $328,451,000,000

1 Refer to footnote on clean coal technology p. 953.
2 Amounts net to zero.
3 Budget estimates unavailable.
### TABLE 6. ACTIONS ON APPROPRIATIONS FOR FISCAL YEAR 1995 AND 1996, 104TH CONGRESS, 1ST SESSION

<table>
<thead>
<tr>
<th>Bills for Fiscal 1996</th>
<th>Budget requests considered</th>
<th>Reported by Committee</th>
<th>Approved by full House</th>
<th>Compared with budget requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Rural Development, Food and Drug Administration (H.R. 1976, Public Law 104–37)</td>
<td>$66,421,993,000</td>
<td>$62,722,934,000</td>
<td>$62,579,232,000</td>
<td>$-3,842,761,000</td>
</tr>
<tr>
<td>Commerce, Justice, State, and Judiciary (HR 3019; Public Law 104–134)</td>
<td>31,158,679,000</td>
<td>27,284,734,000</td>
<td>27,284,734,000</td>
<td>$-3,873,945,000</td>
</tr>
<tr>
<td>District of Columbia (H.R. 2546; Public Law 104–122)</td>
<td>712,070,000</td>
<td>712,000,000</td>
<td>712,000,000</td>
<td>$-70,000</td>
</tr>
<tr>
<td>Energy and Water Development (H.R. 1905, Public Law 104–46)</td>
<td>21,142,799,000</td>
<td>19,114,281,000</td>
<td>19,092,800,000</td>
<td>$-2,049,999,000</td>
</tr>
<tr>
<td>Foreign Operations (H.R. 1868, Public Law 104–107)</td>
<td>14,773,904,666</td>
<td>11,974,300,000</td>
<td>11,901,375,000</td>
<td>$-2,872,925,666</td>
</tr>
<tr>
<td>Interior (H.R. 3019; Public Law 104–134)</td>
<td>13,817,404,000</td>
<td>12,164,505,000</td>
<td>12,164,505,000</td>
<td>$-1,652,899,000</td>
</tr>
<tr>
<td>Labor, HHS, and Education (H.R. 3019; Public Law 104–134)</td>
<td>268,185,087,000</td>
<td>257,563,901,000</td>
<td>257,563,901,000</td>
<td>$-10,621,186,000</td>
</tr>
<tr>
<td>Legislative (H.R. 1854/H.R. 2492, Public Law 104–53)</td>
<td>2,060,140,000</td>
<td>1,727,351,000</td>
<td>1,725,698,000</td>
<td>$-334,442,000</td>
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<tr>
<td>Military Construction (H.R. 1817, Public Law 104–32)</td>
<td>10,697,995,000</td>
<td>11,197,995,000</td>
<td>11,177,009,000</td>
<td>$+479,014,000</td>
</tr>
<tr>
<td>National Security (H.R. 1817, Public Law 104–32)</td>
<td>23,634,017,000</td>
<td>244,119,400,000</td>
<td>243,997,500,000</td>
<td>$+7,653,483,000</td>
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<tr>
<td>Transportation (H.R. 2002, Public Law 104–50)</td>
<td>14,265,361,831</td>
<td>12,810,725,806</td>
<td>12,810,725,806</td>
<td>$1,454,636,025</td>
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<tr>
<td>VA-HUD and Independent Agencies (H.R. 3019; Public Law 104–134)</td>
<td>9,051,351,093</td>
<td>81,311,016,500</td>
<td>81,311,016,500</td>
<td>$-9,240,335,093</td>
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<td>Total</td>
<td>795,068,624,590</td>
<td>765,881,822,306</td>
<td>765,497,782,306</td>
<td>$-29,570,842,284</td>
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### SUPPLEMENTAL APPROPRIATIONS FOR 1995

<table>
<thead>
<tr>
<th>Bills for Fiscal 1995</th>
<th>Budget requests considered</th>
<th>Reported by Committee</th>
<th>Approved by full House</th>
<th>Compared with budget requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Defense Supplemental (H.R. 889, Public Law 104–6)</td>
<td>1,324,399,629</td>
<td>1,388,200,000</td>
<td>1,394,000,000</td>
<td>$-13,339,369</td>
</tr>
<tr>
<td>Recission Bill (H.R. 845)</td>
<td>(151,300,371)</td>
<td>1,402,140,000</td>
<td>1,402,140,000</td>
<td>$-13,460,369</td>
</tr>
<tr>
<td>Emergency Supplemental and Recissions (H.R. 1158)</td>
<td>(6,495,482,195)</td>
<td>(11,607,785,839)</td>
<td>(11,750,868,239)</td>
<td>(18,246,350,434)</td>
</tr>
<tr>
<td>Supplemental (H.R. 1159)</td>
<td>(57,828,000)</td>
<td>23,177,286,500</td>
<td>23,177,286,500</td>
<td>1,760,536,500</td>
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<tr>
<td>Emergency Supplemental and Rescission (H.R. 1444, Public Law 104–19)</td>
<td>6,432,382,195</td>
<td>9,050,896,876</td>
<td>9,050,896,876</td>
<td>15,483,279,071</td>
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<tr>
<td>Total</td>
<td>7,756,781,824</td>
<td>9,064,836,876</td>
<td>9,064,836,876</td>
<td>16,821,618,700</td>
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### CUMULATIVE TOTALS FOR THE SESSION TO DATE

<table>
<thead>
<tr>
<th>Bills for Fiscal 1996</th>
<th>House</th>
<th>Budget requests considered</th>
<th>Reported by Committee</th>
<th>Approved by full House</th>
<th>Compared with budget requests</th>
</tr>
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</table>

Prepared by House Committee on Appropriations. Commonly referred to as “Horse blanket.”
### TABLE 6. ACTIONS ON APPROPRIATIONS FOR FISCAL YEAR 1995 AND 1996, 104TH CONGRESS, 1ST SESSION—Continued

<table>
<thead>
<tr>
<th>BILLS FOR FISCAL 1996</th>
<th>Senate</th>
<th>Compared with budget requests</th>
</tr>
</thead>
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<tr>
<td><strong>Budget requests considered</strong></td>
<td><strong>Latest action</strong></td>
<td><strong>$</strong></td>
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<tr>
<td>Agriculture, Rural Development, Food and Drug Administration (H.R. 1976, Public Law 104–37)</td>
<td>66,421,993,000</td>
<td>63,825,150,000</td>
</tr>
<tr>
<td>Commerce, Justice, State, Judiciary (H.R. 3019, Public Law 104–134)</td>
<td>31,158,679,000</td>
<td>27,299,134,000</td>
</tr>
<tr>
<td>District of Columbia (H.R. 2546, Public Law 104–122)</td>
<td>712,070,000</td>
<td>727,000,000</td>
</tr>
<tr>
<td>Energy and Water Development (H.R. 1905, Public Law 104–46)</td>
<td>20,911,085,000</td>
<td>20,564,495,000</td>
</tr>
<tr>
<td>Foreign Operations (H.R. 1868, Public Law 104–107)</td>
<td>14,773,904,666</td>
<td>12,413,914,000</td>
</tr>
<tr>
<td>Interior (H.R. 3019; Public Law 104–134)</td>
<td>13,817,404,000</td>
<td>12,167,985,999</td>
</tr>
<tr>
<td>Labor, HHS, and Education (H.R. 3019, Public Law 104–134)</td>
<td>268,185,087,000</td>
<td>258,236,631,000</td>
</tr>
<tr>
<td>Legislative (H.R. 1854/H.R. 2492, Public Law 104–53)</td>
<td>2,617,614,000</td>
<td>2,190,370,000</td>
</tr>
<tr>
<td>Military Construction (H.R. 1817, Public Law 104–32)</td>
<td>10,697,995,000</td>
<td>11,158,995,000</td>
</tr>
<tr>
<td>National Security (H.R. 2126, S. 1087, Public Law 104–61)</td>
<td>236,344,017,000</td>
<td>242,683,841,000</td>
</tr>
<tr>
<td>Transportation (H.R. 2002, Public Law 104–50)</td>
<td>14,275,361,831</td>
<td>12,613,811,567</td>
</tr>
<tr>
<td>Treasury-Postal-General Govt. (H.R. 2019, Public Law 104–52)</td>
<td>24,897,970,000</td>
<td>23,141,970,000</td>
</tr>
<tr>
<td>VA-HUD-Independent Agencies (H.R. 3019; Public Law 104–134)</td>
<td>90,551,351,093</td>
<td>81,995,196,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>795,545,437,590</strong></td>
<td><strong>769,018,493,566</strong></td>
</tr>
</tbody>
</table>

### SUPPLEMENTAL APPROPRIATIONS FOR 1995

<table>
<thead>
<tr>
<th><strong>Budget requests considered</strong></th>
<th><strong>Latest action</strong></th>
<th><strong>$</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Defense Supplemental (H.R. 889, Public Law 104–6)</td>
<td>2,365,696,629</td>
<td>-1,272,684,450</td>
</tr>
<tr>
<td>Rescission Bill (H.R. 845)</td>
<td>-6,458,782,195</td>
<td>-8,605,023,450</td>
</tr>
<tr>
<td>Emergency Supplemental and Rescissions (H.R. 1158)</td>
<td>6,432,382,195</td>
<td>-9,050,896,876</td>
</tr>
<tr>
<td>Supplemental (H.R. 1159)</td>
<td>10,323,581,326</td>
<td>15,483,279,071</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,798,078,824</strong></td>
<td><strong>10,323,581,326</strong></td>
</tr>
</tbody>
</table>

### CUMULATIVE TOTALS FOR THE SESSION TO DATE

<table>
<thead>
<tr>
<th><strong>Budget requests considered</strong></th>
<th><strong>Latest action</strong></th>
<th><strong>$</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate</td>
<td>804,343,516,414</td>
<td>758,694,912,240</td>
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</table>
### TABLE 6. ACTIONS ON APPROPRIATIONS FOR FISCAL YEAR 1995 AND 1996, 104TH CONGRESS, 1ST SESSION—Continued

<table>
<thead>
<tr>
<th>BILL FOR FISCAL 1996</th>
<th>BILLS FOR FISCAL 1996</th>
<th>Congress</th>
<th>Budget requests considered</th>
<th>Approved by Congress</th>
<th>Compared with budget requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Rural Development, Food and Drug Administration (H.R. 1976, Public Law 104–37)</td>
<td>66,421,993,000</td>
<td>63,194,564,000</td>
<td>−3,227,429,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commerce, Justice, State, Judiciary (H.R. 3019, Public Law 104–134)</td>
<td>31,158,679,000</td>
<td>27,841,284,000</td>
<td>−3,317,395,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia (H.R. 2546, Public Law 104–122)</td>
<td>712,070,000</td>
<td>712,070,000</td>
<td>0</td>
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<td></td>
</tr>
<tr>
<td>Energy and Water Development (H.R. 1905, Public Law 104–46)</td>
<td>20,957,387,000</td>
<td>19,746,654,000</td>
<td>−1,210,733,000</td>
<td></td>
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<tr>
<td>Foreign Operations (H.R. 1868, Public Law 104–107)</td>
<td>14,773,904,666</td>
<td>12,103,536,669</td>
<td>−2,670,367,997</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior (H.R. 3019; Public Law 104–134)</td>
<td>13,817,404,000</td>
<td>12,294,592,000</td>
<td>−1,522,812,000</td>
<td></td>
<td></td>
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<tr>
<td>Labor, HHS, and Education (H.R. 3019, Public Law 104–134)</td>
<td>268,185,087,000</td>
<td>260,151,017,000</td>
<td>−8,034,070,000</td>
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<tr>
<td>Legislative (H.R. 1854/H.R. 2492, Public Law 104–53)</td>
<td>2,617,600,000</td>
<td>2,184,856,000</td>
<td>−432,744,000</td>
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<tr>
<td>Military Construction (H.R. 1817, Public Law 104–32)</td>
<td>10,697,995,000</td>
<td>11,177,009,000</td>
<td>+479,014,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Security (H.R. 2126, S. 1087, Public Law 104–61)</td>
<td>236,344,017,000</td>
<td>243,251,297,000</td>
<td>+6,907,280,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation (H.R. 2002, Public Law 104–50)</td>
<td>14,275,361,831</td>
<td>12,680,532,831</td>
<td>−1,594,829,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treasury-HUD-Independent Agencies (H.R. 3019; Public Law 104–134)</td>
<td>90,551,351,093</td>
<td>82,442,966,000</td>
<td>−8,108,385,093</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>795,409,351,590</td>
<td>770,944,132,500</td>
<td>−24,465,219,090</td>
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</table>

### SUPPLEMENTAL APPROPRIATIONS FOR 1995

<table>
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<tr>
<th>BILL FOR FISCAL 1996</th>
<th>SUPPLEMENTAL APPROPRIATIONS FOR 1995</th>
<th>Congress</th>
<th>Budget requests considered</th>
<th>Approved by Congress</th>
<th>Compared with budget requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Defense Supplemental (H.R. 889, Public Law 104–6)</td>
<td>2,365,696,629</td>
<td>−796,140,000</td>
<td>−3,161,836,629</td>
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<td></td>
</tr>
<tr>
<td>Rescission Bill (H.R. 845)</td>
<td>10,697,995,000</td>
<td>11,177,009,000</td>
<td>+479,014,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Supplemental and Rescissions (H.R. 1158)</td>
<td>6,432,382,195</td>
<td>−9,050,896,876</td>
<td>−15,483,279,071</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental (H.R. 1159)</td>
<td>8,798,078,824</td>
<td>−9,847,036,876</td>
<td>−18,645,115,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>804,207,430,414</td>
<td>761,097,095,624</td>
<td>−43,110,334,790</td>
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</tr>
<tr>
<td>Amounts do not include the President’s proposal to score obligation limitations as budget authority. The total request considered by the House including this proposal is $35,458,964,831. The request considered by the Senate is $35,468,964,831.</td>
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<tr>
<td>-------------------------------------------------</td>
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<tr>
<td>H.R. 845 merged with H.R. 889 at House Passed.</td>
<td></td>
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<tr>
<td>Includes rescission of $1,460,204,000 advance appropriations.</td>
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</tr>
<tr>
<td>H.R. 1159 merged with H.R. 1158 at House Passed.</td>
<td></td>
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<tr>
<td>Includes rescission of $55,720,000 advance appropriations.</td>
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<tr>
<td>Includes rescission of $200,000,000 advance appropriations.</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>H.R. 1944 replaces H.R. 1158, which was vetoed on June 7, 1995.</td>
<td></td>
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<tr>
<td>Includes rescission of $411,204,000 advance appropriations.</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>These bills previously vetoed and subsequently included in the Omnibus Continuing Resolution.</td>
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</tr>
<tr>
<td>NOTE.—This chart reflects “Total in bill” before budget scorekeeping adjustments. Amounts correspond to “bill total” noted in House and Senate Committee Reports and Conference Reports.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7. HISTORICAL COMPARISON BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess. differs to some extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (see explanation, "Compilers' Notes"). Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures exclude amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Budget estimates</th>
<th>Appropriations</th>
<th>Increase (+) or decrease (−), appropriations compared with estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>79th Cong., 1st sess., fiscal year 1946 and prior fiscal years</td>
<td>68,941,364,648</td>
<td>67,545,660,880</td>
<td>−1,395,703,768</td>
</tr>
<tr>
<td>79th Cong., 2d sess., fiscal year 1947 and prior fiscal years</td>
<td>35,153,239,093</td>
<td>33,571,494,011</td>
<td>−1,581,745,082</td>
</tr>
<tr>
<td>80th Cong., 1st sess., fiscal year 1948 and prior fiscal years</td>
<td>36,725,853,652</td>
<td>34,159,097,708</td>
<td>−2,566,755,944</td>
</tr>
<tr>
<td>80th Cong., 2d sess., fiscal year 1949 and prior fiscal years</td>
<td>41,053,346,713</td>
<td>38,282,717,957</td>
<td>−2,770,628,756</td>
</tr>
<tr>
<td>81st Cong., 1st sess., fiscal year 1950 and prior fiscal years</td>
<td>45,524,384,067</td>
<td>43,708,265,798</td>
<td>−1,816,118,269</td>
</tr>
<tr>
<td>81st Cong., 2d sess., fiscal year 1951 and prior fiscal years</td>
<td>80,172,585,565</td>
<td>78,200,190,841</td>
<td>−1,972,394,724</td>
</tr>
<tr>
<td>82d Cong., 1st sess., fiscal year 1952 and prior fiscal years</td>
<td>102,449,917,037</td>
<td>97,729,806,397</td>
<td>−4,720,110,640</td>
</tr>
<tr>
<td>82d Cong., 2d sess., fiscal year 1953 and prior fiscal years</td>
<td>91,205,894,252</td>
<td>82,596,777,411</td>
<td>−8,609,116,841</td>
</tr>
<tr>
<td>83d Cong., 1st sess., fiscal year 1954 and prior fiscal years</td>
<td>73,976,821,699</td>
<td>61,942,992,897</td>
<td>−12,033,828,802</td>
</tr>
<tr>
<td>83d Cong., 2d sess., fiscal year 1955 and prior fiscal years</td>
<td>57,422,327,386</td>
<td>45,812,457,263</td>
<td>−10,609,870,123</td>
</tr>
<tr>
<td>84th Cong., 1st sess., fiscal year 1956 and prior fiscal years</td>
<td>62,030,092,195</td>
<td>59,954,284,321</td>
<td>−2,075,807,874</td>
</tr>
<tr>
<td>84th Cong., 2d sess., fiscal year 1957 and prior fiscal years</td>
<td>68,587,724,820</td>
<td>62,300,092,195</td>
<td>−6,279,122,625</td>
</tr>
<tr>
<td>85th Cong., 1st sess., fiscal year 1958 and prior fiscal years</td>
<td>73,113,555,340</td>
<td>60,709,096,556</td>
<td>−5,043,458,784</td>
</tr>
<tr>
<td>85th Cong., 2d sess., fiscal year 1959 and prior fiscal years</td>
<td>81,737,060,999</td>
<td>81,119,818,276</td>
<td>−617,242,723</td>
</tr>
<tr>
<td>86th Cong., 1st sess., fiscal year 1960 and prior fiscal years</td>
<td>83,452,687,259</td>
<td>81,572,357,312</td>
<td>−1,880,329,547</td>
</tr>
<tr>
<td>86th Cong., 2d sess., fiscal year 1961 and prior fiscal years</td>
<td>84,010,398,836</td>
<td>83,799,241,957</td>
<td>−211,156,879</td>
</tr>
<tr>
<td>87th Cong., 1st sess., fiscal year 1962 and prior fiscal years</td>
<td>101,185,574,673</td>
<td>96,194,946,610</td>
<td>−4,990,628,063</td>
</tr>
<tr>
<td>87th Cong., 2d sess., fiscal year 1963 and prior fiscal years</td>
<td>107,203,876,735</td>
<td>106,070,110,056</td>
<td>−1,133,766,679</td>
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<tr>
<td>88th Cong., 1st sess., fiscal year 1964 and prior fiscal years</td>
<td>110,270,774,856</td>
<td>106,070,110,056</td>
<td>−4,200,664,800</td>
</tr>
<tr>
<td>88th Cong., 2d sess., fiscal year 1965 and prior fiscal years</td>
<td>110,204,088,176</td>
<td>106,070,110,056</td>
<td>−4,133,978,120</td>
</tr>
<tr>
<td>89th Cong., 1st sess., fiscal year 1966 and prior fiscal years</td>
<td>121,719,754,896</td>
<td>119,310,113,527</td>
<td>−2,409,641,369</td>
</tr>
<tr>
<td>89th Cong., 2d sess., fiscal year 1967 and prior fiscal years</td>
<td>144,812,809,086</td>
<td>143,883,626,282</td>
<td>−929,182,804</td>
</tr>
<tr>
<td>90th Cong., 1st sess., fiscal year 1968 and prior fiscal years</td>
<td>162,988,905,929</td>
<td>156,917,115,912</td>
<td>−6,071,790,017</td>
</tr>
</tbody>
</table>

[Amounts in dollars]
<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Budget estimates ¹</th>
<th>Appropriations ³</th>
<th>Increase (+) or decrease (−), appropriations compared with estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>90th Cong., 2d sess., fiscal year 1969 and prior fiscal years</td>
<td>209,439,260,996</td>
<td>196,537,244,324</td>
<td>−12,902,016,672</td>
</tr>
<tr>
<td>Consisting of:</td>
<td>(147,908,612,996)</td>
<td>(133,339,868,734)</td>
<td>(−14,568,744,262)</td>
</tr>
<tr>
<td>Regular annual and supplemental appropriation acts</td>
<td>(1,332,500,000)</td>
<td>(2,999,227,590)</td>
<td>(+1,666,727,590)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(72,998,148,000)</td>
<td>(72,998,148,000)</td>
<td></td>
</tr>
<tr>
<td>Permanent appropriations, Federal and trust funds</td>
<td>(−12,800,000,000)</td>
<td>(−12,800,000,000)</td>
<td></td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>210,843,237,215</td>
<td>207,248,481,494</td>
<td>−3,594,755,721</td>
</tr>
<tr>
<td>91st Cong., 1st sess., fiscal year 1970 and prior fiscal years</td>
<td>217,605,978,434</td>
<td>232,139,894,882</td>
<td>+14,533,916,448</td>
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<tr>
<td>Consisting of:</td>
<td>(147,778,903,434)</td>
<td>(144,273,528,504)</td>
<td>(−3,505,374,930)</td>
</tr>
<tr>
<td>Regular annual and supplemental appropriation acts</td>
<td>(5,000,000)</td>
<td>(4,680,127,359)</td>
<td>(−4,675,127,359)</td>
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<tr>
<td>Appropriations in legislative acts</td>
<td>(88,059,842,000)</td>
<td>(88,059,842,000)</td>
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<tr>
<td>Permanent appropriations, Federal and trust funds</td>
<td>(−13,915,525,000)</td>
<td>(−13,915,525,000)</td>
<td></td>
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<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>248,329,646,937</td>
<td>245,707,600,635</td>
<td>−2,622,046,302</td>
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<tr>
<td>92d Cong., 1st sess., fiscal year 1972 and prior fiscal years</td>
<td>281,543,640,953</td>
<td>295,154,959,255</td>
<td>+8,321,277,302</td>
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<tr>
<td>Consisting of:</td>
<td>(185,509,077,552)</td>
<td>(179,006,901,364)</td>
<td>(−6,502,176,188)</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(1,954,000,000)</td>
<td>(11,200,404,169)</td>
<td>(+9,246,404,169)</td>
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<tr>
<td>Appropriations in legislative acts</td>
<td>(117,995,208,401)</td>
<td>(118,489,878,401)</td>
<td>(+494,670,000)</td>
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<td>Permanent appropriations, Federal and trust funds</td>
<td>(−23,914,645,000)</td>
<td>(−23,914,645,000)</td>
<td></td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>284,782,538,934</td>
<td>331,339,868,734</td>
<td>+3,238,897,981</td>
</tr>
<tr>
<td>93d Cong., 1st sess., fiscal year 1974 and prior fiscal years</td>
<td>4295,154,959,255</td>
<td>303,476,236,654</td>
<td>+8,321,277,302</td>
</tr>
<tr>
<td>Consisting of:</td>
<td>(178,014,404,255)</td>
<td>(174,902,319,304)</td>
<td>(−3,112,084,951)</td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(4,969,950,000)</td>
<td>(16,403,312,350)</td>
<td>(+11,433,362,350)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(149,428,595,000)</td>
<td>(149,428,595,000)</td>
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<tr>
<td>Permanent appropriations, Federal and trust funds</td>
<td>(−37,257,990,000)</td>
<td>(−37,257,990,000)</td>
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</tbody>
</table>
### Historical Comparison by Sessions

[Amounts in dollars]

<table>
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<tr>
<th>Congress and session</th>
<th>Budget estimates</th>
<th>Appropriations</th>
<th>Increase (+) or decrease (−), appropriations compared with estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>93d Cong., 2d sess., fiscal year 1975 and prior fiscal years</td>
<td>344,779,700,007</td>
<td>390,041,133,427</td>
<td>+54,261,433,420</td>
</tr>
<tr>
<td>Consisting of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(213,694,183,007)</td>
<td>(204,012,311,514)</td>
<td>−9,681,871,493</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(7,778,000,000)</td>
<td>(6,721,139,000)</td>
<td>+54,943,139,000</td>
</tr>
<tr>
<td>Private appropriation acts</td>
<td>(165,913)</td>
<td>(165,913)</td>
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<tr>
<td>Permanent appropriations, Federal and trust funds</td>
<td>(167,031,493,000)</td>
<td>(167,031,493,000)</td>
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</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−43,723,976,000)</td>
<td>(−43,723,976,000)</td>
<td></td>
</tr>
<tr>
<td>94th Cong., 1st sess., fiscal year 1976 and prior fiscal years</td>
<td>406,281,005,434</td>
<td>400,113,361,951</td>
<td>−6,167,643,483</td>
</tr>
<tr>
<td>Transition period</td>
<td>85,480,984,914</td>
<td>83,406,054,499</td>
<td>−2,074,930,415</td>
</tr>
<tr>
<td>Consisting of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(268,312,351,434)</td>
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<td>−6,117,431,595</td>
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<td>(49,641,474,914)</td>
<td>(47,575,114,499)</td>
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<td>Appropriations in legislative acts</td>
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<td>(10,237,052,000)</td>
<td>+237,052,000</td>
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<td>Transition period (net)</td>
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<td>(−8,570,000)</td>
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<tr>
<td>Private appropriation acts</td>
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<td>Permanent appropriations, Federal and trust funds</td>
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<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(280,825,058,535)</td>
<td>(277,503,235,407)</td>
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<td>(1,726)</td>
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### Historical Comparison by Sessions

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<th>Appropriations</th>
<th>Increase (+) or decrease (−)</th>
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<td>95th Cong., 2d sess., fiscal year 1979 and prior fiscal years</td>
<td>597,475,620,701</td>
<td>579,378,264,134</td>
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<td>(373,829,695,701)</td>
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<td>(−20,291,341,971)</td>
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<td>(− 55,255,000)</td>
<td>(− 55,255,000)</td>
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<td>(+ 1,525,404)</td>
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<td>95th Cong., 1st sess., fiscal year 1980 and prior fiscal years</td>
<td>638,492,625,836</td>
<td>623,190,712,474</td>
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<td>(388,138,756,291)</td>
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<td>(− 723,609,000)</td>
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<td>(+ 1,183)</td>
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<td>96th Cong., 2d sess., fiscal year 1981 and prior fiscal years</td>
<td>716,540,499,292</td>
<td>696,792,053,346</td>
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<td>97th Cong., 1st sess., fiscal year 1982 and prior fiscal years</td>
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<td>−15,163,286,189</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(452,000,228,450)</td>
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<tr>
<td>97th Cong., 2d sess., fiscal year 1983 and prior fiscal years</td>
<td>855,549,160,484</td>
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<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
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<td>(+ 66,922)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
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*Amounts in dollars*
### HISTORICAL COMPARISON BY SESSIONS

[Amounts in dollars]

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<tr>
<th>Congress and session</th>
<th>Budget estimates 1</th>
<th>Appropriations 1</th>
<th>Increase (+) or decrease (−) appropriations compared with estimates</th>
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<tr>
<td>98th Cong., 1st sess., fiscal year 1984 and prior fiscal years 12</td>
<td>930,234,128,985</td>
<td>946,627,586,722</td>
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<td>−210,000,000</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
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<td>(−183,164,276,000)</td>
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<td>Appropriations</td>
<td>Increase (+) or decrease (−)</td>
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<td>Regular annual, supplemental, rescission and continuing appropriation acts (net)</td>
<td>(775,693,763,291)</td>
<td>(765,851,064,949)</td>
<td>(−9,842,698,342)</td>
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<tr>
<td>Appropriations in legislative acts</td>
<td>(4,253,000,000)</td>
<td>(6,451,000,000)</td>
<td>(+2,198,000,000)</td>
</tr>
<tr>
<td>Private acts</td>
<td></td>
<td>(115,721)</td>
<td>(+115,721)</td>
</tr>
<tr>
<td>Permanent appropriations, Federal and trust funds</td>
<td>(1,021,021,153,000)</td>
<td>(1,021,021,163,000)</td>
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<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−281,673,000,000)</td>
<td>(−281,673,000,000)</td>
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</tbody>
</table>
### Historical Comparison by Sessions

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Budget estimates</th>
<th>Appropriations</th>
<th>Increase (+) or decrease (−) appropriations compared with estimates</th>
</tr>
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<tbody>
<tr>
<td>103d Cong., 1st sess., fiscal year 1994 and prior fiscal years</td>
<td>1,580,859,051,214</td>
<td>1,555,206,147,811</td>
<td>−25,652,903,403</td>
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<tr>
<td>Consisting of:</td>
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<td></td>
<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(817,172,214)</td>
<td>(790,351,214)</td>
<td>(−26,820,903,403)</td>
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<td>Appropriations in legislative acts</td>
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<td>(591,000,000)</td>
<td>(+1,168,000,000)</td>
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<td>Permanent appropriations, Federal and trust funds</td>
<td>(1,050,854,933)</td>
<td>(1,050,854,933)</td>
<td>−1,000,000</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−286,591,000)</td>
<td>(−286,591,000)</td>
<td>−286,591,000</td>
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<td>103d Cong., 2nd sess., fiscal year 1995 and prior fiscal years</td>
<td>1,555,765,525,485</td>
<td>1,556,448,088,178</td>
<td>+682,562,693</td>
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<td></td>
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<td>Regular annual and supplemental appropriation acts (net)</td>
<td>(786,108,244)</td>
<td>(784,196,274)</td>
<td>(−1,911,969,664)</td>
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<td>Appropriations in legislative acts</td>
<td>(615,000,000)</td>
<td>(3,209,000,000)</td>
<td>(+2,594,000,000)</td>
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<td>Private acts</td>
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<td>(532,357)</td>
<td>(+532,357)</td>
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<td>Permanent appropriations, Federal and trust funds</td>
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<td>(1,057,757,281)</td>
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<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
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<td>(−288,715,000)</td>
<td>−288,715,000</td>
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<tr>
<td>104th Cong., 1st sess., fiscal year 1996 and prior fiscal years</td>
<td>1,636,612,215,414</td>
<td>1,568,473,012,598</td>
<td>−68,139,202,816</td>
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<td></td>
<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(826,477,350)</td>
<td>(758,928,872)</td>
<td>(−67,548,477,816)</td>
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<td>Appropriations in legislative acts</td>
<td>(7,336,897,000)</td>
<td>(6,639,172,000)</td>
<td>(+697,725,000)</td>
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<td>Budget adjustments</td>
<td>(16)</td>
<td>(16)</td>
<td>(+16)</td>
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<td>Permanent appropriations, Federal and trust funds</td>
<td>(1,131,248,968)</td>
<td>(1,131,248,968)</td>
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<td>(−328,451,000)</td>
<td>(−328,451,000)</td>
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1 The following table provides advance appropriations requested and appropriated by Congressional session and fiscal year:

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<th>Session and fiscal year</th>
<th>Requested</th>
<th>Appropriated</th>
</tr>
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<tbody>
<tr>
<td>88th Cong., 2nd sess., fiscal year 1965, advance for fiscal year 1966</td>
<td>$225,000,000</td>
<td>$75,000,000</td>
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<tr>
<td>89th Cong., 1st sess., fiscal year 1966, advance for fiscal year 1967</td>
<td>937,500,000</td>
<td>926,000,000</td>
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<tr>
<td>89th Cong., 2nd sess., fiscal year 1967, advance for fiscal year 1968</td>
<td>900,000,000</td>
<td>875,000,000</td>
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<tr>
<td>90th Cong., 1st sess., fiscal year 1968, advance for fiscal year 1969</td>
<td>1,055,000,000</td>
<td>995,000,000</td>
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<tr>
<td>90th Cong., 2nd sess., fiscal year 1969, advance for fiscal year 1970</td>
<td>2,895,000,000</td>
<td>1,965,814,300</td>
</tr>
<tr>
<td>91st Cong., 1st sess., fiscal year 1970, advance for fiscal year 1971</td>
<td>1,651,000,000</td>
<td>1,240,000,000</td>
</tr>
<tr>
<td>91st Cong., 2nd sess., fiscal year 1971, advance for fiscal year 1972</td>
<td>188,011,000</td>
<td>150,000,000</td>
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<tr>
<td>92d Cong., 1st sess., fiscal year 1972, advance for fiscal year 1973</td>
<td>174,321,000</td>
<td>174,321,000</td>
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<tr>
<td>92d Cong., 2nd sess., fiscal year 1973, advance for fiscal year 1974</td>
<td>131,181,000</td>
<td>131,181,000</td>
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<tr>
<td>93d Cong., 1st sess., fiscal year 1974, advance for fiscal year 1975</td>
<td>90,360,000</td>
<td>90,360,000</td>
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<tr>
<td>93d Cong., 2nd sess., fiscal year 1975, advance for fiscal year 1976</td>
<td>2,391,561,000</td>
<td>2,428,597,000</td>
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<tr>
<td>94th Cong., 1st sess., fiscal year 1976, advance for fiscal year 1977</td>
<td>2,417,777,000</td>
<td>2,653,410,852</td>
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<td>94th Cong., 2nd sess., fiscal year 1977, advance for fiscal year:</td>
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<td>1978</td>
<td>95,421,779</td>
<td>557,049,779</td>
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<td>1979</td>
<td>90,000,000</td>
<td>256,200,000</td>
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<tr>
<td>95th Cong., 1st sess., fiscal year 1978, advance for fiscal year 1980</td>
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<td>131,181,000</td>
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<td>95th Cong., 2nd sess., fiscal year 1979, advance for fiscal year:</td>
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<td>1980</td>
<td>9,835,000,000</td>
<td>5,136,500,000</td>
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<td>1981</td>
<td>4,627,000,000</td>
<td>5,615,000,000</td>
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<td>1982</td>
<td>4,465,000,000</td>
<td>4,374,000,000</td>
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<tr>
<td>96th Cong., 1st sess., fiscal year 1980, advance for fiscal year:</td>
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<tr>
<td>1981</td>
<td>162,000,000</td>
<td>162,000,000</td>
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<td>1982</td>
<td>214,000,000</td>
<td>214,000,000</td>
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<td>96th Cong., 2nd sess., fiscal year 1981, advance for fiscal year:</td>
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<td>1982</td>
<td>198,100,000</td>
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<td>1983</td>
<td>172,000,000</td>
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<tr>
<td>97th Cong., 1st sess., fiscal year 1982, advance for fiscal year:</td>
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<td>1983</td>
<td>1,750,753,000</td>
<td>1,787,341,000</td>
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<td>1984</td>
<td>93,500,000</td>
<td>105,600,000</td>
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<td>Session and fiscal year</td>
<td>Requested</td>
<td>Appropriated</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>97th Cong., 2d sess., fiscal year 1983, advance for fiscal year:</td>
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<td></td>
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<tr>
<td>1983</td>
<td>5,919,703,000</td>
<td>6,976,000,000</td>
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<td>1985</td>
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<td>130,000,000</td>
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<tr>
<td>98th Cong., 1st sess., fiscal year 1984, advance for fiscal year:</td>
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<tr>
<td>1985</td>
<td>7,442,204,000</td>
<td>7,772,000,000</td>
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<tr>
<td>1986</td>
<td>75,000,000</td>
<td>130,000,000</td>
</tr>
<tr>
<td>98th Cong., 2d sess., fiscal year 1985, advance for fiscal year:</td>
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<tr>
<td>1986</td>
<td>10,568,609,000</td>
<td>10,885,169,000</td>
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<td>1987</td>
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<td>200,000,000</td>
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<tr>
<td>99th Cong., 1st sess., fiscal year 1986, advance for fiscal year:</td>
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<tr>
<td>1987</td>
<td>11,473,754,000</td>
<td>11,493,754,000</td>
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<td>1988</td>
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<td>214,000,000</td>
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<tr>
<td>99th Cong., 2d sess., fiscal year 1987, advance for fiscal year:</td>
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<tr>
<td>1988</td>
<td>12,819,065,000</td>
<td>12,852,265,000</td>
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<td>1989</td>
<td>292,000,000</td>
<td>452,000,000</td>
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<tr>
<td>100th Cong., 1st sess., fiscal year 1988, advance for fiscal year:</td>
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<tr>
<td>1989</td>
<td>84,969,423,000</td>
<td>14,295,000,000</td>
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<td>1990</td>
<td>14,799,992,000</td>
<td>232,648,000</td>
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<td>1991</td>
<td>500,000,000</td>
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<tr>
<td>1992</td>
<td>500,000,000</td>
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<tr>
<td>100th Cong., 2d sess., fiscal year 1989, advance for fiscal year:</td>
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<tr>
<td>1990</td>
<td>96,462,145,000</td>
<td>15,648,555,000</td>
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<td>1991</td>
<td>16,781,000,000</td>
<td>498,870,000</td>
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<td>1992</td>
<td>600,000,000</td>
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<tr>
<td>101st Cong., 1st sess., fiscal year 1990, advance for fiscal year:</td>
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<tr>
<td>1991</td>
<td>17,709,458,000</td>
<td>18,029,543,000</td>
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<td>1992</td>
<td>842,060,000</td>
<td>1,482,524,000</td>
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<td>101st Cong., 2d sess., fiscal year 1991, advance for fiscal year:</td>
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<td>1992</td>
<td>18,998,616,000</td>
<td>21,347,274,000</td>
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<td>1993</td>
<td>306,505,000</td>
<td>318,636,000</td>
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<td>102d Cong., 1st sess., fiscal year 1992, advance for fiscal year:</td>
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<td>1993</td>
<td>26,910,220,000</td>
<td>28,698,692,000</td>
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<td>1994</td>
<td>260,000,000</td>
<td>275,000,000</td>
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<td>102d Cong., 2d sess., fiscal year 1993, advance for fiscal year:</td>
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<td>1994</td>
<td>37,592,756,000</td>
<td>38,915,408,000</td>
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<td>1995</td>
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<td>292,640,000</td>
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<tr>
<td>103d Cong., 1st sess., fiscal year 1994, advance for fiscal year:</td>
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<td>1995</td>
<td>40,149,788,000</td>
<td>40,035,000,000</td>
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<td>1996</td>
<td>292,640,000</td>
<td>312,000,000</td>
</tr>
<tr>
<td>103d Cong., 2d sess., fiscal year 1995, advance for fiscal year:</td>
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<td></td>
</tr>
<tr>
<td>1996</td>
<td>40,232,717,000</td>
<td>40,006,921,000</td>
</tr>
<tr>
<td>1997</td>
<td>292,640,000</td>
<td>315,000,000</td>
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<tr>
<td>104th Cong., 1st sess., fiscal year 1996, advance for fiscal year:</td>
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<td>1997</td>
<td>41,737,209,000</td>
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<td>1998</td>
<td>296,400,000</td>
<td>250,000,000</td>
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</tbody>
</table>

The following table reflects rescissions of prior year appropriations considered and appropriated by Congressional session:

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<th>Session and fiscal year</th>
<th>Considered</th>
<th>Appropriated</th>
</tr>
</thead>
<tbody>
<tr>
<td>93d Cong., 1st sess., fiscal year 1974</td>
<td>$198,055,000</td>
<td>$212,412,000</td>
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<tr>
<td>93d Cong., 2d sess., fiscal year 1975</td>
<td>1,455,116,000</td>
<td>1,404,572,000</td>
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<tr>
<td>94th Cong., 1st sess., fiscal year 1976</td>
<td>702,291,174</td>
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<tr>
<td>94th Cong., 2d sess., fiscal year 1977</td>
<td>243,378,943</td>
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<tr>
<td>Transition period</td>
<td>5,175,000</td>
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<tr>
<td>95th Cong., 1st sess., fiscal year 1978</td>
<td>833,854,000</td>
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<td>Permanent contract authority</td>
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<td>47,500,000</td>
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<tr>
<td>95th Cong., 2d sess., fiscal year 1979</td>
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<td>Permanent contract authority</td>
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<tr>
<td>96th Cong., 1st sess., fiscal year 1980</td>
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<td>Permanent contract authority</td>
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<td>47,500,000</td>
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<td>4,518,572,146</td>
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<td>97th Cong., 1st sess., fiscal year 1982</td>
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<tr>
<td>97th Cong., 2d sess., fiscal year 1983</td>
<td>8,967,781,500</td>
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</tr>
<tr>
<td>98th Cong., 1st sess., fiscal year 1984</td>
<td>4,616,128,000</td>
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</tr>
<tr>
<td>98th Cong., 2d sess., fiscal year 1985</td>
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<tr>
<td>99th Cong., 1st sess., fiscal year 1986</td>
<td>8,555,956,000</td>
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</tr>
<tr>
<td>99th Cong., 2d sess., fiscal year 1987</td>
<td>19,277,677,000</td>
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<tr>
<td>100th Cong., 1st sess., fiscal year 1988</td>
<td>4,673,059,067</td>
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</tr>
<tr>
<td>100th Cong., 2d sess., fiscal year 1989</td>
<td>591,048,000</td>
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</tr>
<tr>
<td>101st Cong., 1st sess., fiscal year 1990</td>
<td>562,318,000</td>
<td></td>
</tr>
<tr>
<td>101st Cong., 2d sess., fiscal year 1991</td>
<td>3,701,548,000</td>
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</tr>
<tr>
<td>102d Cong., 1st sess., fiscal year 1992</td>
<td>2,020,391,000</td>
<td></td>
</tr>
<tr>
<td>102d Cong., 2d sess., fiscal year 1993</td>
<td>23,653,958,697</td>
<td></td>
</tr>
<tr>
<td>103d Cong., 1st sess., fiscal year 1994</td>
<td>3,931,529,894</td>
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</table>
### Historical Comparison by Sessions

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Considered</th>
<th>Appropriated</th>
</tr>
</thead>
<tbody>
<tr>
<td>103d Cong., 2d sess., fiscal year 1995</td>
<td>5,085,149,170</td>
<td>4,337,503,690</td>
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<tr>
<td>104th Cong., 1st sess., fiscal year 1996</td>
<td>2,889,930,147</td>
<td>24,446,968,621</td>
</tr>
<tr>
<td>Fiscal year 1997</td>
<td>205,000,000</td>
<td></td>
</tr>
</tbody>
</table>

2 Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90–218 (H.J. Res. 88) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining, $3,400,617,000.

3 Reflects an increase of $46,794,500 in the amount for Labor-HEW carried in 1972–1973 volume due to later estimates.

4 Budget estimates exclude (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.

5 Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-off cost of annual contract authority made available through Public Law 93–383.

6 Estimates not reflected in totals.

7 Budget estimates include $17,646,443,000, and appropriations include $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, Health, Education, and Welfare and related agencies, funded at the “current rate” in the continuing resolution (Public Law 95–482). Budget estimates have been increased by $14,425,000 above the $647,894,000 referred to in footnote 39 of the 1978–79 volume. Appropriations for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978–79 volume. See table VIII on pp. 1211–1222, 1979–80 volume for details.

8 Budget estimates include $662,319,000, and appropriations include $1,146,946,000, excluded from the 1979–80 volume for programs for the Departments of Labor, Health, Education, and Welfare and related agencies, funded at the “current rate” in the continuing resolution (Public Law 96–123). Budget estimates have been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979–80 volume. Appropriations for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume. See table VIII on p. 1389, 1980–81 volume.

9 Budget estimates exclude $6,914,793,000, and appropriations include authority to obligate $6,914,793,000, in “indefinite” budget authority for fiscal year 1980 for certain programs in the Department of Health and Human Services. There were no estimates, or appropriations, included in any of the fiscal year 1980 tabulations, 1979–80 volume, for these indefinite amounts.

10 Budget estimates include $6,914,793,000, and appropriations include authority to obligate $6,914,793,000, in “indefinite” budget authority for fiscal year 1981 which will be adjusted in fiscal year 1982 (1981–82 volume) when final amounts become known. See table VIII on pp. 1939–2040, 1980–81 volume, for accounts involved.

11 Budget estimates exclude $6,379,418,000, and appropriations exclude $6,379,418,000, for fiscal year 1982 to liquidate “indefinite” budget authority in fiscal year 1981 for certain programs in the Department of Health and Human Services. Budget estimates and appropriations were both carried at $6,914,793,000 in 1980–81 volume.

12 Budget estimates exclude $4,916,793,000, and appropriations include authority to obligate $4,615,600,000, in “indefinite” budget authority for fiscal year 1982 which will be adjusted in fiscal year 1983 (1982–83 volume) when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

13 Budget estimates exclude $4,847,972,000, and appropriations exclude $5,492,377,000, for fiscal year 1983 to liquidate “indefinite” budget authority in fiscal year 1982 for certain programs in the Department of Health and Human Services. Budget estimates were carried at $4,916,000,000, and appropriations were carried at $4,615,600,000, in 1981–82 volume. See table VIII footnote 22 on p. 1533, 1982–83 volume, for accounts involved.

14 Budget estimates exclude $55,378,000, and appropriations exclude $323,000,000, for fiscal year 1984 to liquidate “indefinite” budget authority in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII footnote 7 on p. 1129, 1983–84 volume, for accounts involved.

15 Budget estimates exclude $36,876,000, and appropriations exclude $249,786,000, for fiscal year 1985 to liquidate “indefinite” budget authority in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII footnote 5 on p. 1905, 1984–85 volume, for accounts involved.

16 Budget estimates exclude $809,573,000, and appropriations exclude $1,329,834,000, for fiscal year 1986 to liquidate “indefinite” budget authority in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII footnote 5 on p. 1756, 1985–86 volume, for accounts involved.

17 Beginning with the 99th Cong., 1st sess., “Permanent Appropriations” included amounts appropriated in prior sessions for the fiscal year of the budget. The total line “Fiscal year 198x and prior fiscal years” includes advance appropriations for future Congressional sessions. As a result, beginning with the 99th Cong., 1st sess., this total line consisted of funds for prior years, the budget year, advance years and funds previously counted in prior sessions when they were enacted. (Advance appropriations in prior sessions for the fiscal year of the budget were excluded from “Permanent Appropriations” beginning with the 102d Cong., 1st sess.)

The funds appropriated by this session of Congress, regardless of the fiscal year they are available, is reflected in the total line “Regular annual, supplemental, and continuing appropriation acts (net)”. Footnote 1 details advance appropriations by session. The amount that has been counted previously is shown at the end of table VIII on the total for “Appropriated in prior Congressional sessions”. Beginning with 104th Cong., 1st sess., this total is shown at the end of table 4.

18 Budget estimate unavailable.
# TABLE 8. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of “budget estimates” and “appropriations” as used in this tabulation, beginning with the 90th Cong., 2d sess. differs to some extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (see explanation, “Compilers’ Notes”). Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures exclude amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

[Amounts in dollars]

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<th>Trust funds</th>
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</table>
TOTAL APPROPRIATIONS BY SESSION

[Amounts in dollars]

<table>
<thead>
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<th>Congress and session</th>
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<th>Trust funds</th>
<th>Total ¹</th>
</tr>
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### TOTAL APPROPRIATIONS BY SESSION

[Amounts in dollars]

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<th>Total</th>
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<td>119,310,113,527</td>
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<td>152,057,365,067</td>
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<tr>
<td>89th Cong., 2d sess., fiscal year 1967 and prior fiscal years</td>
<td>143,883,626,282</td>
<td>41,830,618,000</td>
<td>185,714,244,282</td>
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<td>90th Cong., 1st sess., fiscal year 1968 and prior fiscal years</td>
<td>156,917,113,527</td>
<td>48,205,647,000</td>
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<td>90th Cong., 2d sess., fiscal year 1969 and prior fiscal years</td>
<td>142,524,357,324</td>
<td>54,012,887,000</td>
<td>196,537,244,324</td>
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Consisting of:

- **Regular annual and supplemental appropriation acts**
  - (133,339,868,734)
  - (2,999,227,590)
  - (18,985,261,000)
  - (12,800,000,000)

- **Appropriations in legislative acts**
  - (2,999,227,590)
  - (54,012,887,000)

- **Permanent appropriations**
  - (2,999,227,590)
  - (54,012,887,000)

- **Adjustments for interfund and intragovernmental transactions**
  - (13,915,525,000)

---

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Federal funds</th>
<th>Trust funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>91st Cong., 1st sess., fiscal year 1970 and prior fiscal years</td>
<td>146,628,658,494</td>
<td>60,619,823,000</td>
<td>207,248,481,494</td>
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Consisting of:

- **Regular annual and supplemental appropriation acts**
  - (134,431,463,135)
  - (4,680,127,359)
  - (21,432,593,000)
  - (13,915,525,000)

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<th>Congress and session</th>
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<th>Trust funds</th>
<th>Total</th>
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<td>91st Cong., 2d sess., fiscal year 1971 and prior fiscal years</td>
<td>166,758,720,882</td>
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Consisting of:

- **Regular annual and supplemental appropriation acts**
  - (144,273,528,504)
  - (18,039,291,378)
  - (22,678,668,000)
  - (18,232,767,000)

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<th>Congress and session</th>
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Consisting of:

- **Regular annual, supplemental, and continuing appropriation acts**
  - (165,300,661,865)
  - (46,645,770)
  - (25,357,210,000)
  - (20,404,398,000)
### TOTAL APPROPRIATIONS BY SESSION

#### 92d Cong., 2d sess., fiscal year 1973 and prior fiscal years

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<td>$193,474,986,934</td>
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<td>$284,782,538,934</td>
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<td>Regular annual, supplemental, and continuing appropriation acts</td>
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<td>Appropriations in legislative acts</td>
<td>(11,200,404,169)</td>
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<td>Permanent appropriations</td>
<td>(27,182,326,401)</td>
<td>(91,307,552,000)</td>
<td>(118,489,878,401)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−23,914,645,000)</td>
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#### 93d Cong., 1st sess., fiscal year 1974 and prior fiscal years

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<td>$182,480,509,654</td>
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<td>$303,476,236,654</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(174,902,319,304)</td>
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<td>Appropriations in legislative acts</td>
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<td>(16,403,312,350)</td>
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<td>Permanent appropriations</td>
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<td>(108,532,787,000)</td>
<td>(149,428,595,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−37,257,990,000)</td>
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#### 93d Cong., 2d sess., fiscal year 1975 and prior fiscal years

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<td>$268,304,872,427</td>
<td>$121,736,261,000</td>
<td>$390,041,133,427</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts</td>
<td>(204,012,311,514)</td>
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<td>Appropriations in legislative acts</td>
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<td>(152,500,000)</td>
<td>(62,721,304,913)</td>
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<td>(121,583,761,000)</td>
<td>(167,031,493,000)</td>
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<td>(−43,723,976,000)</td>
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#### 94th Cong., 1st sess., fiscal year 1976 and prior fiscal years

<table>
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<th>Congress and session</th>
<th>Federal funds</th>
<th>Trust funds</th>
<th>Total</th>
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<td>$269,391,509,951</td>
<td>$130,721,852,000</td>
<td>$400,113,361,951</td>
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<td>$33,623,231,000</td>
<td>$83,406,054,499</td>
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<td>Consisting of:</td>
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<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
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<td>(262,194,919,839)</td>
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<td>Transition period (net)</td>
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<td>(47,575,114,499)</td>
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<tr>
<td>Rescission acts</td>
<td>(287,291,174)</td>
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<td>(287,291,174)</td>
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<tr>
<td>Appropriations in legislative acts</td>
<td>(10,627,079,286)</td>
<td>(10,237,079,286)</td>
<td>(10,237,079,286)</td>
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<tr>
<td>Transition period (net)</td>
<td>(−8,570,000)</td>
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<td>(−8,570,000)</td>
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<tr>
<td>Permanent appropriations</td>
<td>(51,122,943,000)</td>
<td>(131,111,852,000)</td>
<td>(182,234,795,000)</td>
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<tr>
<td>Transition period</td>
<td>(12,946,828,000)</td>
<td>(33,623,231,000)</td>
<td>(46,570,059,000)</td>
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<tr>
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#### 94th Cong., 2d sess., fiscal year 1977 and prior fiscal years

<table>
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<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
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<td>(277,503,235,407)</td>
</tr>
<tr>
<td>Transition period (net)</td>
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<td>(15,000,000)</td>
<td>(4,812,230,180)</td>
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<tr>
<td>Rescission acts</td>
<td>(−287,291,174)</td>
<td></td>
<td>(−287,291,174)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(10,627,079,286)</td>
<td>(10,237,079,286)</td>
<td>(10,237,079,286)</td>
</tr>
<tr>
<td>Transition period (net)</td>
<td>(−8,570,000)</td>
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<td>(−8,570,000)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
<td>(51,122,943,000)</td>
<td>(131,111,852,000)</td>
<td>(182,234,795,000)</td>
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<tr>
<td>Transition period</td>
<td>(12,946,828,000)</td>
<td>(33,623,231,000)</td>
<td>(46,570,059,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>(−54,266,141,000)</td>
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<td>(−54,266,141,000)</td>
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<tr>
<td>Transition period</td>
<td>(−10,730,549,000)</td>
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<td>(−10,730,549,000)</td>
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</table>

#### 94th Cong., 2d sess., fiscal year 1977 and prior fiscal years

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Federal funds</th>
<th>Trust funds</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$4,792,078,440</td>
<td>$3,715,000,000</td>
<td>$8,507,078,440</td>
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<tr>
<td>Consisting of:</td>
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<td></td>
<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(277,157,958,407)</td>
<td>(345,277,000)</td>
<td>(277,503,235,407)</td>
</tr>
<tr>
<td>Transition period (net)</td>
<td>(4,797,230,180)</td>
<td>(15,000,000)</td>
<td>(4,812,230,180)</td>
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<tr>
<td>Rescission acts</td>
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<td>(3,700,023,260)</td>
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<td>(227,151,661,000)</td>
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<td>(−10,463,382,000)</td>
<td>(−62,368,318,000)</td>
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<tr>
<td>Congress and session</td>
<td>Federal funds</td>
<td>Trust funds</td>
<td>Total 1</td>
</tr>
<tr>
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<td>---------------</td>
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<td>---------</td>
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<tr>
<td>95th Cong., 1st sess., fiscal year 1978 and prior fiscal years</td>
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<td>166,545,104,667</td>
<td>527,330,473,509</td>
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<tr>
<td>Recission acts</td>
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<td>(− 807,640,000)</td>
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<tr>
<td>Appropriations in legislative acts</td>
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<td>(178,384,983,000)</td>
<td>(235,215,056,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (− 48,555,560,000)</td>
<td>(− 12,536,415,000)</td>
<td>(− 61,091,975,000)</td>
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<td>95th Cong., 2d sess., fiscal year 1979 and prior fiscal years</td>
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<td>579,378,264,134</td>
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<tr>
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<td>(899,468,000)</td>
<td>(353,538,353,730)</td>
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<td>Recission acts</td>
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<td>(269,875,638,000)</td>
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<td>(− 12,922,618,000)</td>
<td>(− 63,578,998,000)</td>
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<td>214,416,798,000</td>
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<td>(19,598,525,404)</td>
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<td>96th Cong., 2d sess., fiscal year 1981 and prior fiscal years</td>
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<td>Permanent appropriations</td>
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<td>(255,464,214,000)</td>
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<td>(− 88,590,878,000)</td>
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<td>316,695,852,000</td>
<td>862,835,894,982</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(504,216,739,060)</td>
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<tr>
<td>Private appropriation acts</td>
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<tr>
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<td>(319,907,084,000)</td>
<td>(475,786,994,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (− 113,956,673,000)</td>
<td>(− 21,045,075,000)</td>
<td>(− 135,001,748,000)</td>
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<tr>
<td>Congress and session</td>
<td>Federal funds</td>
<td>Trust funds</td>
<td>Total 1</td>
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<td>---------</td>
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<tr>
<td>98th Cong., 1st sess., fiscal year 1984 and prior fiscal years</td>
<td>599,648,521,722</td>
<td>346,979,065,000</td>
<td>10,946,627,586,722</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
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<td>(25,342,000)</td>
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<td>Private appropriation acts</td>
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<td>(31,618)</td>
<td>(31,618)</td>
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<td>4 (−120,751,203,000)</td>
<td>4 (−26,870,782,000)</td>
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<td>98th Cong., 2d sess., fiscal year 1985 and prior fiscal years</td>
<td>602,424,350,066</td>
<td>394,603,459,000</td>
<td>1,097,027,809,066</td>
</tr>
<tr>
<td>Consisting of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(556,131,053,986)</td>
<td>(4,496,471,000)</td>
<td>(560,627,524,986)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(75,000,000)</td>
<td>(135,000,000)</td>
<td>(210,000,000)</td>
</tr>
<tr>
<td>Private appropriation acts</td>
<td>(169,080)</td>
<td>(169,080)</td>
<td>(169,080)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
<td>(202,168,366,000)</td>
<td>(417,186,025,000)</td>
<td>(619,354,391,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (−155,950,239,000)</td>
<td>4 (−27,214,037,000)</td>
<td>(183,164,276,000)</td>
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<tr>
<td>99th Cong., 1st sess., fiscal year 1986 and prior fiscal years 13</td>
<td>661,596,011,087</td>
<td>424,527,581,000</td>
<td>1,086,123,592,087</td>
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<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(571,872,788,087)</td>
<td>(6,166,014,000)</td>
<td>(578,038,802,087)</td>
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<td>Appropriations in legislative acts</td>
<td>(2,258,000,000)</td>
<td>(182,000,000)</td>
<td>(2,076,000,000)</td>
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<td>Private appropriation acts</td>
<td>(256,164,982,000)</td>
<td>(442,455,833,000)</td>
<td>(698,620,815,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (−168,699,759,000)</td>
<td>4 (−23,912,266,000)</td>
<td>(192,612,025,000)</td>
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<tr>
<td>99th Cong., 2d sess., fiscal year 1987 and prior fiscal years 13</td>
<td>678,392,900,019</td>
<td>419,644,363,000</td>
<td>1,098,037,263,019</td>
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<tr>
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<td></td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(569,172,325,494)</td>
<td>(3,325,907,000)</td>
<td>(572,498,232,494)</td>
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<td>(1,654,000,000)</td>
<td>(3,296,000,000)</td>
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<td>(8,525)</td>
<td>(8,525)</td>
<td>(8,525)</td>
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<td>(264,669,029,000)</td>
<td>(452,264,988,000)</td>
<td>(716,934,017,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (−157,090,543,000)</td>
<td>4 (−37,600,532,000)</td>
<td>(194,691,075,000)</td>
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<tr>
<td>100th Cong., 1st sess., fiscal year 1988 and prior fiscal years 13</td>
<td>690,862,755,817</td>
<td>480,767,871,333</td>
<td>1,171,630,627,150</td>
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<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(607,135,479,817)</td>
<td>(4,109,424,333)</td>
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<td>Appropriations in legislative acts</td>
<td>(−2,107,000,000)</td>
<td>(14,482,000,000)</td>
<td>(12,375,000,000)</td>
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<td>Permanent appropriations</td>
<td>(253,107,398,000)</td>
<td>(504,241,158,000)</td>
<td>(757,348,556,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (−167,273,122,000)</td>
<td>4 (−42,064,711,000)</td>
<td>(209,337,833,000)</td>
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<tr>
<td>100th Cong., 2d sess., fiscal year 1989 and prior fiscal years 13</td>
<td>733,925,893,189</td>
<td>504,647,093,000</td>
<td>1,238,572,986,189</td>
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<td></td>
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<td>Regular annual and supplemental appropriation acts (net)</td>
<td>(616,169,695,769)</td>
<td>(5,358,522,000)</td>
<td>(621,528,217,769)</td>
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<td>Rescission acts</td>
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<td>(−8,000,000)</td>
<td>(−8,000,000)</td>
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<tr>
<td>Appropriations in legislative acts</td>
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<td>(1,488,000,000)</td>
<td>(1,980,000,000)</td>
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<td>Private acts</td>
<td>(1,000,420)</td>
<td>(1,000,420)</td>
<td>(1,000,420)</td>
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<td>Permanent appropriations</td>
<td>(290,810,235,000)</td>
<td>(542,240,583,000)</td>
<td>(833,050,818,000)</td>
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<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>4 (−173,539,038,000)</td>
<td>4 (−44,440,012,000)</td>
<td>(217,979,050,000)</td>
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</tbody>
</table>
### TOTAL APPROPRIATIONS BY SESSION

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Federal funds</th>
<th>Trust funds</th>
<th>Total ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>101st Cong., 1st sess., fiscal year 1990 and prior fiscal years</td>
<td>814,200,761,543</td>
<td>549,453,694,000</td>
<td>1,363,654,455,543</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(659,044,221,543)</td>
<td>(5,299,489,000)</td>
<td>(664,343,710,543)</td>
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<td>Appropriations in legislative acts</td>
<td>(−1,903,000,000)</td>
<td>(−8,762,000,000)</td>
<td>(−10,665,000,000)</td>
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<tr>
<td>Permanent appropriations</td>
<td>(340,834,027,000)</td>
<td>(606,144,780,000)</td>
<td>(946,978,807,000)</td>
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<td>Adjustments for interfund and intragovernmental transactions</td>
<td>⁴(−183,774,487,000)</td>
<td>(−53,228,575,000)</td>
<td>(−237,003,062,000)</td>
</tr>
<tr>
<td>101st Cong., 2d sess., fiscal year 1991 and prior fiscal years</td>
<td>857,998,694,090</td>
<td>581,618,215,233</td>
<td>1,439,616,909,323</td>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(691,267,125,523)</td>
<td>(5,109,327,233)</td>
<td>(696,376,452,756)</td>
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<td>Appropriations in legislative acts</td>
<td>(−1,545,000,000)</td>
<td>(1,688,000,000)</td>
<td>(143,000,000)</td>
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<tr>
<td>Private acts</td>
<td>(119,567)</td>
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<td>(119,567)</td>
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<tr>
<td>Permanent appropriations</td>
<td>(352,634,353,000)</td>
<td>(635,853,101,000)</td>
<td>(988,487,454,000)</td>
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<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>⁴(−184,357,904,000)</td>
<td>(−61,032,213,000)</td>
<td>(−245,390,117,000)</td>
</tr>
<tr>
<td>102d Cong., 1st sess., fiscal year 1992 and prior fiscal years</td>
<td>960,395,404,902</td>
<td>591,836,035,133</td>
<td>1,552,231,440,035</td>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(739,935,461,902)</td>
<td>(8,036,541,133)</td>
<td>(747,972,003,035)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(18,478,000,000)</td>
<td>(5,445,000,000)</td>
<td>(23,923,000,000)</td>
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<tr>
<td>Permanent appropriations</td>
<td>(398,905,601,000)</td>
<td>(647,842,154,000)</td>
<td>(1,046,747,755,000)</td>
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<td>⁴(−196,923,658,000)</td>
<td>(−69,487,660,000)</td>
<td>(−266,411,318,000)</td>
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<tr>
<td>102d Cong., 2d sess., fiscal year 1993 and prior fiscal years</td>
<td>987,470,293,003</td>
<td>524,180,040,667</td>
<td>1,511,650,333,670</td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(757,623,909,282)</td>
<td>(8,227,155,667)</td>
<td>(765,851,064,949)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(2,279,000,000)</td>
<td>(4,172,000,000)</td>
<td>(6,451,000,000)</td>
</tr>
<tr>
<td>Private acts</td>
<td>(115,721)</td>
<td></td>
<td>(115,721)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
<td>(431,127,268,000)</td>
<td>(589,893,885,000)</td>
<td>(1,021,021,153,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>⁴(−203,560,000,000)</td>
<td>(−78,113,000,000)</td>
<td>(−281,673,000,000)</td>
</tr>
<tr>
<td>103d Cong., 1st sess., fiscal year 1994 and prior fiscal years</td>
<td>995,157,977,711</td>
<td>560,048,170,100</td>
<td>1,555,206,147,811</td>
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<tr>
<td>Consisting of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual, supplemental, and continuing appropriation acts (net)</td>
<td>(782,676,148,711)</td>
<td>(7,675,066,100)</td>
<td>(790,351,214,811)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(−21,000,000)</td>
<td>(612,000,000)</td>
<td>(613,000,000)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
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<td>(635,815,104,000)</td>
<td>(1,050,854,933,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>⁴(−202,537,000,000)</td>
<td>(−84,054,000,000)</td>
<td>(−286,591,000,000)</td>
</tr>
<tr>
<td>103d Cong., 2d sess., fiscal year 1995 and prior fiscal years</td>
<td>972,666,796,678</td>
<td>583,781,291,500</td>
<td>1,556,448,088,178</td>
</tr>
<tr>
<td>Consisting of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular annual and supplemental appropriation acts (net)</td>
<td>(777,992,881,321)</td>
<td>(6,203,393,500)</td>
<td>(784,196,274,821)</td>
</tr>
<tr>
<td>Appropriations in legislative acts</td>
<td>(597,000,000)</td>
<td>(2,612,000,000)</td>
<td>(3,209,000,000)</td>
</tr>
<tr>
<td>Private acts</td>
<td>(532,357)</td>
<td></td>
<td>(532,357)</td>
</tr>
<tr>
<td>Permanent appropriations</td>
<td>(392,348,383,000)</td>
<td>(665,408,898,000)</td>
<td>(1,057,757,281,000)</td>
</tr>
<tr>
<td>Adjustments for interfund and intragovernmental transactions</td>
<td>⁴(−198,272,000,000)</td>
<td>(−90,443,000,000)</td>
<td>(−288,715,000,000)</td>
</tr>
</tbody>
</table>
debt and for that reason are not included.

$135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national
dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and

Prior to 1974, the table included intragovernmental transactions in the form of augmentations, budget adjustments, and trust funds. These were adjustments for interfund and intragovernmental transactions by session and fiscal year:

The following table reflects adjustments for interfund and intragovernmental transactions by session and fiscal year:

4 The following table reflects adjustments for interfund and intragovernmental transactions by session and fiscal year:

3 Reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972±73 volume due to later estimates.

2 Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold

1 Total funds for the following years are qualified as indicated:

NOTE.—Refer to footnote 1, at end of table 7, for additional details on advance appropriations and rescissions of prior year appro-

Consisting of:

Regular annual, supplemental, and
continuing appropriation acts (net)

Budget adjustments

Appropriations in legislative acts

Permanent appropriations, Federal
and trust funds

Adjustments for interfund and
intragovernmental transactions

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Congress and session</th>
<th>Federal funds</th>
<th>Trust funds</th>
<th>Total 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>104th Cong., 1st sess., fiscal year 1996 and prior fiscal years</td>
<td>959,609,787,598</td>
<td>608,863,225,000</td>
<td>1,568,473,012,598</td>
</tr>
</tbody>
</table>

Consisting of:

Regular annual, supplemental, and continuing appropriation acts (net) | (748,033,420,598) | (10,895,452,000) | (758,928,872,598) |
Budget adjustments | (131,624,000) | (6,507,548,000) | (6,639,172,000) |
Appropriations in legislative acts | (−294,000,000) | (401,000,000) | (107,000,000) |
Permanent appropriations, Federal and trust funds | (449,558,743,000) | (681,690,225,000) | (1,131,248,968,000) |
Adjustments for interfund and intragovernmental transactions | (−237,820,000,000) | (−90,631,000,000) | (−328,451,000,000) |

Source: Annual report compiled by the Financial Management Service, Department of the Treasury.

2 Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

3 Reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972±73 volume due to later estimates.

4 The following table reflects adjustments for interfund and intragovernmental transactions by session and fiscal year:

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### TOTAL APPROPRIATIONS BY SESSION

**[Amounts in dollars]**

<table>
<thead>
<tr>
<th>Session and fiscal year</th>
<th>Federal funds</th>
<th>Interfund transactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>94th Cong., 2d sess., fiscal year 1977</td>
<td>14,728,128,000</td>
<td>37,176,808,000</td>
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<tr>
<td>95th Cong., 2d sess., fiscal year 1978</td>
<td>12,130,868,000</td>
<td>36,424,592,000</td>
</tr>
<tr>
<td>96th Cong., 1st sess., fiscal year 1980</td>
<td>13,158,914,000</td>
<td>37,497,466,000</td>
</tr>
<tr>
<td>96th Cong., 2d sess., fiscal year 1981</td>
<td>16,335,625,000</td>
<td>42,364,938,000</td>
</tr>
<tr>
<td>97th Cong., 1st sess., fiscal year 1982</td>
<td>26,402,993,000</td>
<td>48,270,028,000</td>
</tr>
<tr>
<td>97th Cong., 2d sess., fiscal year 1983</td>
<td>34,835,543,000</td>
<td>58,437,064,000</td>
</tr>
<tr>
<td>98th Cong., 1st sess., fiscal year 1984</td>
<td>49,761,582,000</td>
<td>64,195,091,000</td>
</tr>
<tr>
<td>98th Cong., 2d sess., fiscal year 1985</td>
<td>45,497,986,000</td>
<td>75,253,217,000</td>
</tr>
<tr>
<td>99th Cong., 1st sess., fiscal year 1986</td>
<td>43,371,844,000</td>
<td>112,578,395,000</td>
</tr>
<tr>
<td>99th Cong., 2d sess., fiscal year 1987</td>
<td>47,593,037,000</td>
<td>121,106,722,000</td>
</tr>
<tr>
<td>100th Cong., 1st sess., fiscal year 1988</td>
<td>43,206,536,000</td>
<td>113,884,007,000</td>
</tr>
<tr>
<td>100th Cong., 2d sess., fiscal year 1989</td>
<td>40,169,599,000</td>
<td>127,103,523,000</td>
</tr>
<tr>
<td>101st Cong., 1st sess., fiscal year 1990</td>
<td>38,630,375,000</td>
<td>134,908,663,000</td>
</tr>
<tr>
<td>101st Cong., 2d sess., fiscal year 1991</td>
<td>40,022,641,000</td>
<td>143,751,846,000</td>
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<tr>
<td>102d Cong., 1st sess., fiscal year 1992</td>
<td>38,570,369,000</td>
<td>145,787,535,000</td>
</tr>
<tr>
<td>102d Cong., 2d sess., fiscal year 1993</td>
<td>40,887,311,000</td>
<td>156,036,347,000</td>
</tr>
<tr>
<td>103d Cong., 1st sess., fiscal year 1994</td>
<td>39,602,000,000</td>
<td>163,958,000,000</td>
</tr>
<tr>
<td>103d Cong., 2d sess., fiscal year 1995</td>
<td>39,590,000,000</td>
<td>169,947,000,000</td>
</tr>
<tr>
<td>104th Cong., 1st sess., fiscal year 1996</td>
<td>36,160,000,000</td>
<td>162,112,000,000</td>
</tr>
<tr>
<td>104th Cong., 2d sess., fiscal year 1997</td>
<td>38,091,000,000</td>
<td>199,729,000,000</td>
</tr>
</tbody>
</table>

8 Includes $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies funded at the “current rate” in the continuing resolution (Public Law 95–482).

9 Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Departments of Labor, Health, Education, and Welfare and related agencies funded at the “current rate” in the continuing resolution (Public Law 96–123).

10 Excludes $4,615,600,000 in “indefinite” budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

6 Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Departments of Labor, Health, Education, and Welfare and related agencies funded at the “current rate” in the continuing resolution (Public Law 96–123).

7 Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate “indefinite” budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services. There were no amounts included in any of the fiscal year 1980 tabulations, 1979–80 volume, for these indefinite amounts. See authority to obligate $6,914,793,000 in “indefinite” budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

8 Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate “indefinite” budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services. Includes estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume. Includes authority to obligate $4,615,600,000 in “indefinite” budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

9 Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate “indefinite” budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services. Estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume. Includes authority to obligate $4,615,600,000 in “indefinite” budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

10 Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate “indefinite” budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services. Estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume. Includes authority to obligate $4,615,600,000 in “indefinite” budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known. See table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved.

11 Beginning with the 99th Cong., 1st sess., “Permanent Appropriations” included amounts appropriated in prior sessions for the fiscal year of the budget. The total line “Fiscal year 199x and prior fiscal years” includes advance appropriations for future Congressional sessions. As a result, beginning with the 99th Cong., 1st sess., this total line consisted of funds for prior years, the budget year, advance years and funds previously counted in prior sessions when they were enacted. (Advance appropriations in prior sessions for the fiscal year of the budget were excluded from “Permanent Appropriations” beginning with the 102d Cong., 1st sess.)
<table>
<thead>
<tr>
<th>RESCISSIONS</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
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<tr>
<td><strong>FISCAL YEAR 1995</strong></td>
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<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</td>
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<tr>
<td>Office of the Secretary</td>
<td>−31,000</td>
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<td>Alternative Agricultural Research and Commercialization</td>
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<td>Agricultural Research Service: Buildings and facilities</td>
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<td>Cooperative State Research Service</td>
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<td>Buildings and facilities</td>
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<td>Animal and Plant Health Inspection Service: Buildings and facilities</td>
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<td>Rural Development Administration and Farmers Home Administration:</td>
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<td>Rural Housing Insurance Fund Program Account:</td>
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<td>Rental housing (sec. 515) (loan subsidy)</td>
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<td>Rural Electrification Administration:</td>
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<td>Rural Electrification and Telephone Loans Program Account: Direct loan subsidies:</td>
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<td>Telephone 5 percent</td>
<td>−1,500,000</td>
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<td>Food and Nutrition Service:</td>
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<td>Special supplemental food program for women, infants, and children (WIC)</td>
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<td>Food stamp program: Nutrition assistance for Puerto Rico: Cattle tick eradication</td>
<td>−2,900,000</td>
<td>+2,900,000</td>
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<td>Foreign Agriculture Service:</td>
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<td>Public Law 480 Program Account:</td>
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<td>Title I—Credit sales:</td>
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<tr>
<td>Program level</td>
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<td>(+60,200,000)</td>
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<tr>
<td>Ocean freight differential</td>
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<td>Title III—Commodity grants:</td>
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<tr>
<td>Program level</td>
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<td>(+52,500,000)</td>
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<td>Appropriation</td>
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<td>Loan subsidies</td>
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<tr>
<td>State and private forestry</td>
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<td>International forestry</td>
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<tr>
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<td>Construction</td>
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<tr>
<td>Land acquisition</td>
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<td><strong>Total, Department of Agriculture, fiscal year 1995</strong></td>
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<td>−120,867,000</td>
<td>+24,533,000</td>
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### DEPARTMENT OF COMMERCE

**FISCAL YEAR 1996**

Commerce, Justice and State, the Judiciary Appropriations Act, 1996:

| National Institute of Standards and Technology: Construction of research facilities | -75,000,000 | -75,000,000 |

**FISCAL YEAR 1995**

Defense Supplemental, 1995 (Public Law 104–6):

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<tr>
<th>National Institute of Standards and Technology: Functional area</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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<td>National Institute of Standards and Technology: Construction of research facilities</td>
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<tr>
<td>Industrial technology services</td>
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<td>National Oceanic and Atmospheric Administration: Operations, research, and facilities</td>
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<tr>
<td>Construction</td>
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<td>Technology Administration: Under Secretary for Technology Office of Policy</td>
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<td>National Technical Information Service: NTIS revolving fund</td>
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<td>National Telecommunications and Information Administration: Information infrastructure grants</td>
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<td>Economic Development Administration: Economic development assistance programs</td>
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<td>-25,000,000</td>
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</table>

**Subtotal, fiscal year 1995**

| Amount | -247,000,000 | -247,000,000 |

**Total, Department of Commerce**

| Amount | -322,000,000 | -322,000,000 |

### DEPARTMENT OF DEFENSE—MILITARY

**FISCAL YEAR 1996**

Defense Appropriations Act, 1996:

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<thead>
<tr>
<th>Procurement</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td>Missile Procurement, Air Force, 1994/1996</td>
<td>-16,783,000</td>
<td>-16,783,000</td>
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<tr>
<td>Weapons Procurement, Navy, 1995/1997</td>
<td>-14,600,000</td>
<td>-14,600,000</td>
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<tr>
<td>Shipbuilding and Conversion, Navy, 1995/1999</td>
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<td>-87,700,000</td>
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<tr>
<td>Other Procurement, Navy, 1995/1997</td>
<td>-8,600,000</td>
<td>-8,600,000</td>
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<tr>
<td>Aircraft Procurement, Air Force, 1995/1997</td>
<td>-24,000,000</td>
<td>-24,000,000</td>
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<tr>
<td>Missile Procurement, Air Force, 1995/1997</td>
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<td>-140,978,000</td>
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<tr>
<td>Other Procurement, Air Force, 1995/1997</td>
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<tr>
<td>Research, Development, Test and Evaluation:</td>
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<tr>
<td>RDT&amp;E, Army, 1995/1996</td>
<td>-9,000,000</td>
<td>-9,000,000</td>
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<tr>
<td>RDT&amp;E, Navy, 1995/1996</td>
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<tr>
<td>RDT&amp;E, Air Force, 1995/1996</td>
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<td>-7,902,000</td>
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<tr>
<td>RDT&amp;E, Defense-wide, 1995/1996</td>
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<tr>
<td>Military Construction Appropriations Act, 1996:</td>
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<tr>
<td>Military Construction:</td>
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<td></td>
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<tr>
<td>Military Construction, Air Force</td>
<td>-8,765,000</td>
<td>-8,765,000</td>
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<tr>
<td>Military Construction, Defense-wide</td>
<td>-23,521,000</td>
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<tr>
<td>Military Construction, Air National Guard</td>
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<td>-6,700,000</td>
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### RESCISSIONS AND DEFERRALS

#### Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134):

<table>
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<tr>
<th>Procurement</th>
<th>Amount approved</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (–)</th>
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</thead>
<tbody>
<tr>
<td>Missile Procurement, Air Force</td>
<td>– 265,000,000</td>
<td>– 265,000,000</td>
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<tr>
<td>Other Procurement, Air Force</td>
<td>– 310,000,000</td>
<td>– 310,000,000</td>
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</table>

<table>
<thead>
<tr>
<th>Research, Development, Test and Evaluation:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>RDT&amp;E, Army</td>
<td>– 35,000,000</td>
<td>– 45,000,000</td>
<td>– 10,000,000</td>
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<td>RDT&amp;E, Navy</td>
<td>– 19,500,000</td>
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<tr>
<td>RDT&amp;E, Air Force</td>
<td>– 314,800,000</td>
<td>– 249,900,000</td>
<td>– 64,900,000</td>
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<table>
<thead>
<tr>
<th>Military Construction:</th>
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</thead>
<tbody>
<tr>
<td>Military construction, Army</td>
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<tr>
<td>Military construction, Navy</td>
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<tr>
<td>Military construction, Air Force</td>
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</table>

| Subtotal, fiscal year 1996                      | – 960,000,000   | – 1,632,603,000 | – 672,603,000                |

#### FISCAL YEAR 1995

**Defense Supplemental, 1995 (Public Law 104–6):**

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<th>Operation and Maintenance:</th>
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<td>Operation and Maintenance, Navy</td>
<td>– 2,000,000</td>
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<tr>
<td>Operation and Maintenance, Defenswide</td>
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<td>– 68,800,000</td>
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<tr>
<td>Operation and Maintenance, Army National Guard</td>
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<tr>
<td>Operation and Maintenance, Army Reserve</td>
<td>– 6,200,000</td>
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</table>

| Environmental Restoration, Defense               | – 300,000,000   | – 300,000,000   | —                            |
| Former Soviet Union threat reduction             | – 20,000,000    | – 20,000,000    | —                            |

<table>
<thead>
<tr>
<th>Procurement:</th>
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<td>Aircraft Procurement, Army, 1995</td>
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<tr>
<td>Aircraft Procurement, Air Force, 1993</td>
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<td>Aircraft Procurement, Air Force, 1995</td>
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<td>Missile Procurement, Air Force, 1993</td>
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<tr>
<td>Missile Procurement, Air Force, 1994</td>
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<td>Missile Procurement, Air Force, 1995</td>
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<td>Other Procurement, Air Force, 1995</td>
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<tr>
<td>Procurement, Defense-wide, 1995</td>
<td>– 32,000,000</td>
<td>– 32,000,000</td>
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<tr>
<td>National Guard and Reserve Equipment</td>
<td>– 30,000,000</td>
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<td>Defense Production Act Purchases</td>
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<th>Research, Development, Test and Evaluation:</th>
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<td>RDT&amp;E, Navy, 1995</td>
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<td>Base realignment and closure account, Part III, 1993</td>
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<td>Military Construction, Naval Reserve, 1992</td>
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</table>

<p>| Subtotal, fiscal year 1995                       | – 2,360,556,000  | – 2,360,556,000  | —                            |</p>
<table>
<thead>
<tr>
<th>Department</th>
<th>Fiscal Year</th>
<th>Amount Proposed</th>
<th>Amount Approved</th>
<th>Increase (+) or Decrease (-)</th>
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<tbody>
<tr>
<td><strong>Total, Department of Defense—Military</strong></td>
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<td>-3,033,159,000</td>
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<tr>
<td><strong>FISCAL YEAR 1995</strong></td>
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<td></td>
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<tr>
<td>Disaster Assistance Supplemental, 1995</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(Public Law 104–19):</td>
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<tr>
<td>Department of the Army:</td>
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<td>Corps of Engineers—Civil:</td>
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<td>General investigations</td>
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<td>Construction, general</td>
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<tr>
<td>Total, Department of Defense—Civil,</td>
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<td>fiscal year 1995</td>
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<td><strong>FISCAL YEAR 1996</strong></td>
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<tr>
<td>Supplicants, Rescissions and Offsets, 1996</td>
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<tr>
<td>(Public Law 104–134): Student financial</td>
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<tr>
<td>104–6):</td>
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<tr>
<td>(Public Law 104–19):</td>
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<tr>
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<td><strong>DEPARTMENT OF ENERGY</strong></td>
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<tr>
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<tr>
<td>Defense Supplemental, 1995 (Public Law</td>
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<tr>
<td>104–6):</td>
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<tr>
<td>Clean coal technology: Fiscal year 1996</td>
<td></td>
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<td>-50,000,000</td>
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<tr>
<td>104–6):</td>
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<td>Clean coal technology: Fiscal year 1997</td>
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<td><strong>FISCAL YEAR 1995</strong></td>
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<td>Defense Supplemental, 1995 (Public Law</td>
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<tr>
<td>104–6):</td>
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<tr>
<td>Atomic Energy Defense Activities: Defense</td>
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<td>-200,000,000</td>
<td>-200,000,000</td>
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<tr>
<td>Environmental Restoration and Waste</td>
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<tr>
<td>Management</td>
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<tr>
<td>Disaster Assistance Supplemental, 1995</td>
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<tr>
<td>(Public Law 104–19):</td>
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<tr>
<td>Energy Supply, Research and Development</td>
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<td>-74,000,000</td>
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<tr>
<td>Atomic Energy Defense Activities: Materials</td>
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<td>-18,100,000</td>
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<td>Support and other Defense programs</td>
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<td>Fossil energy research and development</td>
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<td>-15,000,000</td>
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<td>Energy conservation</td>
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[Amounts in dollars]
### RECSIONS AND DEFERRALS

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Departmental Administration</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>20,000,000</td>
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<table>
<thead>
<tr>
<th>Power Marketing Administrations: Construction, rehabilitation, operation and maintenance, Western Area Power Administration</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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<tbody>
<tr>
<td></td>
<td>30,000,000</td>
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<table>
<thead>
<tr>
<th>Subtotal, fiscal year 1995</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Total, Department of Energy</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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<tr>
<td></td>
<td>-606,728,000</td>
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### ENVIRONMENTAL PROTECTION AGENCY

FISCAL YEAR 1995

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<tr>
<th>Disaster Assistance Supplemental, 1995 (Public Law 104-19):</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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</thead>
<tbody>
<tr>
<td>Research and development</td>
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<tr>
<td>Abatement, control, and compliance</td>
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<td>-9,806,805</td>
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<tr>
<td>Buildings and facilities</td>
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<tr>
<td>Hazardous substance superfund</td>
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<tr>
<td>Water infrastructure/State revolving fund</td>
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</table>

<table>
<thead>
<tr>
<th>Total, Environmental Protection Agency, fiscal year 1995</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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<td>-11,641,805</td>
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### FOREIGN ASSISTANCE

FISCAL YEAR 1996

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<tr>
<th>Export-Import Bank of the United States: Subsidy appropriation</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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FISCAL YEAR 1995

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<tr>
<th>Defense Supplemental, 1995 (Public Law 104-6):</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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<tbody>
<tr>
<td>International Financial Institutions:</td>
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<tr>
<td>Contribution to the International Development Association</td>
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<tr>
<td>Contribution to the African Development Fund</td>
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<td>-62,014,000</td>
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<tr>
<td>Agency for International Development:</td>
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<td></td>
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<tr>
<td>Development Assistance Fund</td>
<td>-12,500,000</td>
<td>-12,500,000</td>
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<tr>
<td>Assistance for the New Independent States of the Former Soviet Union</td>
<td>-7,500,000</td>
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Disaster Assistance Supplemental, 1995 (Public Law 104-19):

<table>
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<tr>
<th>Multilateral economic assistance: International organizations and programs</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-15,000,000</td>
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<table>
<thead>
<tr>
<th>Bilateral economic assistance: Agency for International Development:</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (?)</th>
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<tr>
<td>Development assistance fund</td>
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<tr>
<td>Population, development assistance</td>
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<tr>
<td>Development fund for Africa</td>
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<td>Debt restructuring under the Enterprise for the Americas Initiative</td>
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<tr>
<td>Economic support fund</td>
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<tr>
<td>Operating expenses of the Agency for International Development</td>
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<td>-2,000,000</td>
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<tr>
<td>Assistance for the New Independent States of the Former Soviet Union</td>
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<td>-25,000,000</td>
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<tr>
<td>Military assistance: Peacekeeping operations</td>
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<td>-3,000,000</td>
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<td>Export assistance:</td>
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<td>Trade and Development Agency: Trade and development</td>
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<tr>
<th>Total, Foreign Assistance, fiscal year 1995</th>
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<th>Increase (+) or decrease (?)</th>
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### RESCISSIONS AND DEFERRALS

[Amounts in dollars]

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<tr>
<th>General Government—Independent Agencies</th>
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<th>Amount Approved</th>
<th>Increase (+) or Decrease (−)</th>
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<td><strong>Fiscal Year 1996</strong></td>
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<tr>
<td>Commerce, Justice and the Judiciary Appropriations Act, 1996:</td>
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<tr>
<td>United States Information Agency: Radio construction</td>
<td>−7,400,000</td>
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<td>Supplementals, Rescissions and Offsets, 1996 (Public Law 104–134):</td>
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<td>Federal Emergency Management Agency: Disaster relief</td>
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<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19): Corporation for Public Broadcasting, 1996</td>
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<td>Subtotal, fiscal year 1996</td>
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<td><strong>Fiscal Year 1997</strong></td>
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<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19): Corporation for Public Broadcasting, 1997</td>
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<td>Appalachian Regional Commission</td>
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<td>Board for International Broadcasting: Israel relay station</td>
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<td>Chemical Safety and Hazard Investigations Board</td>
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<td>Community Development Financial Institutions:</td>
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<td>Executive Office of the President and funds appropriated to the President:</td>
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<td>The White House Office</td>
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<td>Federal Drug Control Programs: Special forfeiture fund</td>
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<td>Federal Deposit Insurance Corporation: FDIC affordable housing program</td>
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<tr>
<td>National Endowment for the Arts: Grants and administration</td>
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<td>−5,000,000</td>
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<tr>
<td>National Endowment for the Humanities: Grants and administration</td>
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<td>−5,000,000</td>
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<td>National Gallery of Art: Repair, restoration, renovation of buildings</td>
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<td>National Science Foundation: Academic research infrastructure</td>
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<td>Smithsonian Institution:</td>
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<tr>
<td>Construction and improvements, National Zoological Park</td>
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<td>Smithsonian Institution: Construction</td>
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<td>Tennessee Valley Authority: Tennessee Valley Authority Fund</td>
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<td>Woodrow Wilson International Center for Scholars</td>
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<td>Amount approved</td>
<td>Increase (+) or decrease (-)</td>
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<tr>
<td>-----------------------------</td>
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<td>-----------------------------</td>
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<tr>
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<tr>
<td>Educational and cultural exchange program</td>
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<tr>
<td>Radio construction</td>
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<tr>
<td>Radio Free Asia</td>
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<td>Railroad Retirement Board: Dual benefits payments account</td>
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<td>-132,367,000</td>
<td>-483,334,034</td>
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<tr>
<td><strong>GENERAL SERVICES ADMINISTRATION</strong></td>
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<tr>
<td><strong>FISCAL YEAR 1996</strong></td>
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<tr>
<td>Federal Buildings Fund: Limitations on availability of revenue:</td>
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<td>Installment acquisition payments</td>
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<td>Repairs and alterations</td>
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<td><strong>FISCAL YEAR 1995</strong></td>
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<td>Federal Buildings Fund: Limitation on the availability of revenue</td>
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<td></td>
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<tr>
<td><strong>FISCAL YEAR 1996</strong></td>
<td></td>
<td></td>
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<tr>
<td>Administration for Children and Families: Low income home energy assistance</td>
<td>-100,000,000</td>
<td>-100,000,000</td>
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<tr>
<td><strong>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</strong></td>
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<tr>
<td>Federal Buildings Fund: Limitation on the availability of revenue</td>
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<td>-319,204,000</td>
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<td>National Center for Research Resources</td>
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<td>Assistant Secretary for Health: Office of the Assistant Secretary for Health</td>
<td>-1,400,000</td>
<td>-1,400,000</td>
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<td>Agency for Health Care Policy and Research:</td>
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<td>Health care policy and research</td>
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<td>Health Care Financing Administration: Program management</td>
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<td>Administration for Children and Families:</td>
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<td>Job opportunities and basic skills</td>
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<td>-330,000,000</td>
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<td>State legalization impact-aid and assistance grants</td>
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<td>-2,000,000</td>
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<td>Community services block grant</td>
<td>-15,287,000</td>
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<tr>
<td>Children and families services programs (crime trust fund)</td>
<td>-15,900,000</td>
<td>-15,900,000</td>
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</tbody>
</table>
### Administration on Aging: Aging services programs
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Office of the Secretary: Policy research
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Subtotal, fiscal year 1995
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Total, Department of Health and Human Services
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Department of Housing and Urban Development

#### Fiscal Year 1996

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA-HUD Appropriations Act, 1996:</td>
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<tr>
<td>Housing Programs:</td>
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<tr>
<td>Rental Housing Assistance: Rescission of budget authority, indefinite</td>
<td>0</td>
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<tr>
<td>Rescission of prepayment recaptures</td>
<td>-163,000,000</td>
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</table>

### Subtotal, fiscal year 1996
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Total, Department of Housing and Urban Development
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Department of the Interior

#### Fiscal Year 1996

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (-)</th>
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</thead>
<tbody>
<tr>
<td>Department of Interior Appropriations Act, 1996:</td>
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<td></td>
</tr>
<tr>
<td>National Park Service: Land and water conservation fund (rescission of contract authority)</td>
<td>-30,000,000</td>
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</table>

### Fiscal Year 1995

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Fish and Wildlife Service: Resource management</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Subtotal, fiscal year 1995
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Total, Department of Housing and Urban Development
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Bureau of Reclamation: Operation and maintenance
- Amount approved: 0
- Increase (+) or decrease (-): 0

### Bureau of Land Management:
- Management of lands and resources: Construction | -70,000 | -70,000 |
- Payments in lieu of taxes | -2,500,000 | -2,500,000 |
- Land acquisition | -1,497,000 | -1,497,000 |

### United States Fish and Wildlife Service:
- Construction | -12,415,000 | -12,415,000 |
- Land acquisition | -1,076,000 | -1,076,000 |

### National Biological Survey: Research, inventories, and surveys
- Amount approved: 0
- Increase (+) or decrease (-): 0

### National Park Service:
- Construction | -20,890,000 | -20,890,000 |

### [Amounts in dollars]
## Rescissions and Deferrals

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban park and recreation fund</td>
<td>−7,480,000</td>
<td>−7,480,000</td>
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<tr>
<td>Land acquisition and State assistance</td>
<td>−13,634,000</td>
<td>−13,634,000</td>
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<tr>
<td>Minerals Management Service: Royalty and offshore minerals management</td>
<td>−514,000</td>
<td>−514,000</td>
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<td>Bureau of Indian Affairs:</td>
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<td>Operation of Indian programs</td>
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<tr>
<td>Construction</td>
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<td>−9,571,000</td>
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<tr>
<td>Indian direct loan program account</td>
<td>−1,700,000</td>
<td>−1,700,000</td>
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<tr>
<td>Territorial and International Affairs:</td>
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<tr>
<td>Administration of territories</td>
<td>−1,938,000</td>
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<tr>
<td>Trust Territory of the Pacific Islands</td>
<td>−32,139,000</td>
<td>−32,139,000</td>
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<td>Compact of Free Association</td>
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<tr>
<td>Subtotal, fiscal year 1995</td>
<td>−138,223,000</td>
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<tr>
<td>Total, Department of the Interior</td>
<td>−30,000,000</td>
<td>−168,223,000</td>
<td>−138,223,000</td>
</tr>
</tbody>
</table>

### The Judiciary

**Fiscal Year 1995**

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

- United States Court of International Trade: Salaries and expenses: −1,000,000

Courts of Appeals, District Courts, and Other Judicial Services:

- Defender services: −5,400,000
- Fees of jurors and commissioners: −5,000,000

Total, the Judiciary, fiscal year 1995: −10,400,000

### Department of Justice

**Fiscal Year 1996**

Commerce, Justice and State, the Judiciary Appropriations Act, 1996:

- General Administration: Working capital fund: −65,000,000

**Fiscal Year 1995**

Defense Supplemental, 1995 (Public Law 104–6):

- Immigration and Naturalization Service: Immigration Emergency Fund: −45,000,000

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

- Office of Justice Programs: Drug courts (violent crime trust fund): −17,100,000
- General Administration: Working capital fund: −5,500,000
- Legal Activities: Assets forfeiture fund: −5,000,000
- Immigration and Naturalization Service: −1,000,000
- Federal Prison System: −28,037,000

Total, Department of Justice, fiscal year 1995: −28,037,000

### Department of Labor

**Fiscal Year 1996**

Labor, Health and Human Services, and Education Appropriations Act, 1996:

Employment and Training Administration:

- Advances to the ESA account of unemployment trust fund: −56,300,000
- Payments to the Unemployment Trust Fund and other funds: −266,000,000

Subtotal, fiscal year 1996: −322,300,000
### Rescissions and Deferrals

[Amounts in dollars]

<table>
<thead>
<tr>
<th>RESCISSIONS AND DEFERRALS</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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<tbody>
<tr>
<td><strong>FISCAL YEAR 1995</strong></td>
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<tr>
<td>Defense Supplemental, 1995 (Public Law 104–6):</td>
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<tr>
<td>Employment and Training Administration: Training and employment services</td>
<td>−200,000,000</td>
<td>−200,000,000</td>
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<td><strong>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</strong></td>
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<tr>
<td>Employment and Training Administration: Training and employment services</td>
<td>−1,349,115,000</td>
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<tr>
<td>Community service employment for older Americans</td>
<td>−14,440,000</td>
<td>−14,440,000</td>
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<tr>
<td>State unemployment insurance and employment service operations</td>
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<td>Limitation on trust fund transfer</td>
<td>−40,700,000</td>
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<td>+400,000</td>
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<td>Bureau of Labor Statistics: Salaries and expenses</td>
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<td><strong>Subtotal, fiscal year 1995</strong></td>
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<td>−1,651,955,000</td>
<td>−1,610,155,000</td>
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<td><strong>Total, Department of Labor</strong></td>
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<td>Legislative Branch Appropriations Act, 1996:</td>
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<td>Congressional Operations: Senate</td>
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<td><strong>FISCAL YEAR 1995</strong></td>
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<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</td>
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<td>Joint items:</td>
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<td>Joint Economic Committee</td>
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<td>Joint Committee on Printing</td>
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<td>Office of Technology Assessment: Salaries and expenses</td>
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<td>Capitol Buildings and Grounds:</td>
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<td>Senate office buildings</td>
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<td>Capitol power plant</td>
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<td>Salaries and expenses</td>
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<td>General Accounting Office: Salaries and expenses</td>
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<td><strong>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</strong></td>
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<td><strong>FISCAL YEAR 1995</strong></td>
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<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</td>
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<tr>
<td>Science, aeronautics and technology</td>
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<td>Construction of facilities</td>
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<td>Space flight, control and data communications</td>
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<td>Office of Personnel Management</td>
<td>Fiscal Year 1995</td>
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<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19): Salaries and expenses</td>
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<tr>
<th>Small Business Administration</th>
<th>Fiscal Year 1995</th>
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<tr>
<td>Defense Supplemental, 1995 (Public Law 104–6): Salaries and expenses</td>
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<tr>
<td>Disaster Assistance Supplemental, 1995 (Public Law 104–19): Salaries and expenses</td>
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<td>Business loans program account</td>
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<tr>
<td>Total, SBA, fiscal year 1995</td>
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<thead>
<tr>
<th>Department of State</th>
<th>Fiscal Year 1996</th>
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<tbody>
<tr>
<td>Administration of Foreign Affairs: Acquisition and maintenance of buildings abroad</td>
<td>-64,500,000</td>
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<table>
<thead>
<tr>
<th>Department of Transportation</th>
<th>Fiscal Year 1996</th>
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</thead>
<tbody>
<tr>
<td>Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authority)</td>
<td>-6,786,971</td>
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<tr>
<td>Rescission of contract authority</td>
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<tr>
<td>Federal Aviation Administration: Facilities and equipment (Airport and Airway Trust Fund)</td>
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<tr>
<td>Federal Highway Administration: Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)</td>
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<tr>
<td>Federal Highway Administration: Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)</td>
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<tr>
<td>National Highway Traffic Safety Administration: Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)</td>
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<tr>
<td>Subtotal, fiscal year 1996</td>
<td>-45,386,971</td>
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[Amounts in dollars]
### FISCAL YEAR 1995

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or Decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Defense Supplemental, 1995 (Public Law 104–6):</strong></td>
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<tr>
<td>Federal Aviation Administration: Facilities and equipment (Airport and Airway Trust Fund)</td>
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<tr>
<td>Federal Highway Administration: Miscellaneous highway demonstration projects (Highway Trust Fund)</td>
<td>−12,004,450</td>
<td>−12,004,450</td>
<td></td>
</tr>
<tr>
<td>Federal Railroad Administration:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local rail freight assistance</td>
<td>−13,216,371</td>
<td>−6,563,000</td>
<td>+6,653,371</td>
</tr>
<tr>
<td>Grants to the National Railroad Passenger Corporation: Pennsylvania station redevelopment project</td>
<td>−40,000,000</td>
<td>−40,000,000</td>
<td></td>
</tr>
<tr>
<td><strong>Disaster Assistance Supplemental, 1995 (Public Law 104–19):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Secretary:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working capital fund (Airport and Airway Trust Fund)</td>
<td>−7,680,000</td>
<td>−5,300,000</td>
<td>+2,380,000</td>
</tr>
<tr>
<td>Coast Guard:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating expenses</td>
<td>−4,300,000</td>
<td>−4,300,000</td>
<td></td>
</tr>
<tr>
<td>Acquisition, construction, and improvements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hurricane Andrew/Iniki supplemental (emergency)</td>
<td>−4,400,000</td>
<td>−4,400,000</td>
<td></td>
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<tr>
<td>Vessels</td>
<td>−12,133,000</td>
<td>−12,133,000</td>
<td></td>
</tr>
<tr>
<td>Other equipment</td>
<td>−2,500,000</td>
<td>−2,500,000</td>
<td></td>
</tr>
<tr>
<td>Shore facilities and aids to navigation</td>
<td>−16,281,000</td>
<td>−16,281,000</td>
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</tr>
<tr>
<td>Environmental compliance and restoration</td>
<td>−2,500,000</td>
<td>−2,500,000</td>
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</tr>
<tr>
<td><strong>Federal Aviation Administration:</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Operations</td>
<td>−1,000,000</td>
<td>−1,000,000</td>
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<tr>
<td>Facilities and equipment (Airport and Airway Trust Fund)</td>
<td>−24,850,000</td>
<td>−24,850,000</td>
<td></td>
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<tr>
<td>Research, engineering, and development (Airport and Airway Trust Fund)</td>
<td>−7,500,000</td>
<td>−7,500,000</td>
<td></td>
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<tr>
<td>Grants-in-aid for airports (Airport and Airway Trust Fund)</td>
<td>−94,000,000</td>
<td>−2,094,000,000</td>
<td>−2,000,000,000</td>
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<tr>
<td><strong>Federal Highway Administration:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal-aid highways (Highway Trust Fund):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation on general operating expenses) (−54,500,000)</td>
<td>(−54,500,000)</td>
<td>(−54,500,000)</td>
<td></td>
</tr>
<tr>
<td>(Limitation on obligations) (−132,190,000)</td>
<td>(−132,190,000)</td>
<td>(−132,190,000)</td>
<td></td>
</tr>
<tr>
<td>Rescission</td>
<td>−132,190,000</td>
<td>−132,190,000</td>
<td></td>
</tr>
<tr>
<td>(Bonus obligations) (−208,000,000)</td>
<td>(−208,000,000)</td>
<td>(+208,000,000)</td>
<td></td>
</tr>
<tr>
<td>Emergency relief program</td>
<td>−100,000,000</td>
<td>−100,000,000</td>
<td></td>
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<tr>
<td>Federal-aid highways (−356,154,000)</td>
<td>−356,154,000</td>
<td>0</td>
<td></td>
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<tr>
<td>Miscellaneous highway trust funds (−6,890,000)</td>
<td>−6,890,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous appropriations (−36,956,000)</td>
<td>−36,956,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Federal Railroad Administration:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeast corridor improvement program (Highway Trust Fund)</td>
<td>−9,707,000</td>
<td>−9,707,000</td>
<td></td>
</tr>
<tr>
<td><strong>Federal Transit Administration:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit planning and research</td>
<td>−7,000,000</td>
<td>−7,000,000</td>
<td></td>
</tr>
<tr>
<td>Discretionary grants (−33,911,500)</td>
<td>−33,911,500</td>
<td>−33,911,500</td>
<td></td>
</tr>
<tr>
<td>(Limitation on obligations) (Highway Trust Fund)</td>
<td>(−33,911,500)</td>
<td>(−33,911,500)</td>
<td></td>
</tr>
<tr>
<td>General Provisions: Salaries and expenses (sec. 802)</td>
<td>−15,000,000</td>
<td>−15,000,000</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, fiscal year 1995</strong></td>
<td>−514,896,371</td>
<td>−2,822,139,950</td>
<td>−2,307,243,579</td>
</tr>
<tr>
<td><strong>Total, Department of Transportation</strong></td>
<td>−560,283,342</td>
<td>−3,666,926,921</td>
<td>−3,106,643,579</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF THE TREASURY

**FISCAL YEAR 1995**

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

<table>
<thead>
<tr>
<th>Departmental offices</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>− 100,000</td>
<td>− 100,000</td>
<td>− 100,000</td>
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Federal Law Enforcement Training Center: Acquisition, construction, improvements, and related expenses:

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>− 11,000,000</td>
<td>− 11,000,000</td>
<td>− 11,000,000</td>
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Financial Management Service:

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<tr>
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<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>− 160,000</td>
<td>− 160,000</td>
<td>− 160,000</td>
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</table>

Bureau of the Public Debt:

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<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>− 1,500,000</td>
<td>− 1,500,000</td>
<td>− 1,500,000</td>
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</tbody>
</table>

Internal Revenue Service: Information systems:

<table>
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<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 1,490,000</td>
<td>− 1,490,000</td>
<td>− 1,490,000</td>
</tr>
</tbody>
</table>

Total, Department of the Treasury, fiscal year 1995:

|                          | − 14,250,000    | − 14,250,000    | − 14,250,000                |

### DEPARTMENT OF VETERANS AFFAIRS

**FISCAL YEAR 1995**

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

Veterans Health Administration: Medical care:

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 50,000,000</td>
<td>− 50,000,000</td>
<td>− 50,000,000</td>
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</tbody>
</table>

Departmental Administration: Construction, major projects:

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 31,000,000</td>
<td>− 31,000,000</td>
<td>− 31,000,000</td>
</tr>
</tbody>
</table>

Total, Department of Veterans Affairs, fiscal year 1995:

|                          | − 81,000,000    | − 81,000,000    | − 81,000,000                |

### GOVERNMENTWIDE

**FISCAL YEAR 1996**

Supplements, Rescissions and Offsets, 1996 (Public Law 104–134):

Federal administrative and personal services expenses (sec. 31002):

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 500,000,000</td>
<td>− 500,000,000</td>
<td>− 500,000,000</td>
</tr>
</tbody>
</table>

**FISCAL YEAR 1995**

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

Federal administration and travel expenses (sec. 2007):

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 375,000,000</td>
<td>− 375,000,000</td>
<td>− 375,000,000</td>
</tr>
</tbody>
</table>

Grand total, Rescissions:

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>− 2,889,930,147</td>
<td>− 24,651,968,621</td>
<td>− 21,762,038,474</td>
</tr>
<tr>
<td>Fiscal year 1995</td>
<td>(− 1,652,924,176)</td>
<td>(− 19,038,664,926)</td>
<td>(− 17,385,740,750)</td>
</tr>
<tr>
<td>Fiscal year 1996</td>
<td>(− 1,237,005,971)</td>
<td>(− 5,408,303,695)</td>
<td>(− 4,171,297,724)</td>
</tr>
<tr>
<td>Fiscal year 1997</td>
<td>(− 205,000,000)</td>
<td>(− 205,000,000)</td>
<td>(− 205,000,000)</td>
</tr>
</tbody>
</table>

### DEFERRALS

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FISCAL YEAR 1995**

Disaster Assistance Supplemental, 1995 (Public Law 104–19):

<table>
<thead>
<tr>
<th>Annual contributions for assisted housing</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(40,590,000)</td>
<td>(40,590,000)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Homeless assistance grants</th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(297,000,000)</td>
<td>(297,000,000)</td>
<td></td>
</tr>
</tbody>
</table>

Grand total, Deferrals:

<table>
<thead>
<tr>
<th></th>
<th>Amount proposed</th>
<th>Amount approved</th>
<th>Increase (+) or decrease (−)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(337,590,000)</td>
<td>(337,590,000)</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 10. OMB CUMULATIVE REPORTS ON RESCISSIONS AND DEFERRALS

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS, SEPTEMBER 1, 1995

COMMUNICATION

FROM

THE DIRECTOR, THE OFFICE OF MANAGEMENT AND BUDGET

TRANSMITTING

THE CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF SEPTEMBER 1, 1995, PURSUANT TO 2 U.S.C. 685(e)

SEPTEMBER 18, 1995.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1995

1091
Honorable Newt Gingrich  
Speaker of the House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with Executive Order 11845, I am transmitting the cumulative report on rescissions and deferrals. This report is required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is being transmitted concurrently to the Senate and will be published in the Federal Register.

Sincerely,

Alice M. Rivlin  
Director

Enclosure

Similar Letter Sent to the President of the Senate
OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

September 1, 1995

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of September 1, 1995, of 28 rescission proposals and seven deferrals contained in five special messages for FY 1995. These messages were transmitted to Congress on October 18, and December 13, 1994; and on February 5, February 22, and May 2, 1995.

Rescissions (Attachments A and C)

As of September 1, 1995, 28 rescission proposals totaling $1,199.8 million had been transmitted to the Congress. Congress approved 24 of the Administration's rescission proposals in P.L. 104-6 and P.L. 104-19. A total of $845.4 million of the rescissions proposed by the President was rescinded by those measures. Attachment C shows the status of the FY 1995 rescission proposals.

Deferrals (Attachments B and D)

As of September 1, 1995, $386.7 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1995.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the Federal Register cited below:

59 FR 54066, Thursday, October 27, 1994
59 FR 67108, Wednesday, December 20, 1994
60 FR 8842, Wednesday, February 15, 1995
60 FR 12636, Tuesday, March 7, 1995
60 FR 24692, Tuesday, May 9, 1995
## ATTACHMENT A

**STATUS OF FY 1995 RESCISSIONS**  
*(in millions of dollars)*

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgetary Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rescissions proposed by the President</td>
<td>1,199.8</td>
</tr>
<tr>
<td>Rejected by the Congress</td>
<td>---</td>
</tr>
<tr>
<td>Amounts rescinded by P.L. 104-6 and P.L. 104-19</td>
<td>-845.4</td>
</tr>
<tr>
<td>Currently before the Congress</td>
<td>354.4</td>
</tr>
</tbody>
</table>

## ATTACHMENT B

**STATUS OF FY 1995 DEFERRALS**  
*(in millions of dollars)*

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgetary Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferrals proposed by the President</td>
<td>4,699.1</td>
</tr>
</tbody>
</table>
| Routine Executive releases through September 1, 1995  
  (OMB/Agency releases of $4,314.8 million, partially  
  offset by cumulative positive adjustment of  
  $2.5 million)                                                   | -4,312.3            |
| Overturned by the Congress                                       | ---                 |
| Currently before the Congress                                    | 386.7               |
## ATTACHMENT C
Status of FY 1995 Rescission Proposals - As of September 1, 1995
(Amounts in thousands of dollars)

<table>
<thead>
<tr>
<th>Agency/Bureau/Account</th>
<th>Rescission Number</th>
<th>Amounts Pending Before Congress</th>
<th>Previously Withheld and Made Available</th>
<th>Date Made Available</th>
<th>Amount Rescinded</th>
<th>Congressional Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Less than 45 days</td>
<td>More than 45 days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>R95-1</td>
<td>43,665</td>
<td>43,665</td>
<td>3-26-95</td>
<td>40,000</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>Public Law 480 program account</td>
<td></td>
<td>90,035</td>
<td>90,035</td>
<td>3-26-95</td>
<td></td>
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</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>R95-2</td>
<td>2,000</td>
<td>2,000</td>
<td>3-28-95</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food stamp program</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF COMMERCE</strong></td>
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</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>R95-3</td>
<td>18,000</td>
<td>18,000</td>
<td>3-31-95</td>
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<td></td>
</tr>
<tr>
<td>Public broadcasting facilities, planning and construction</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>DEPARTMENT OF EDUCATION</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Office of Elementary and Secondary Education</td>
<td>R95-4</td>
<td>138,084</td>
<td>35,000</td>
<td>3-15-95</td>
<td>18,584</td>
<td>P.L. 104-19</td>
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<tr>
<td>School improvement programs</td>
<td>R95-4A</td>
<td>-35,000</td>
<td>103,084</td>
<td>3-30-95</td>
<td>65,000</td>
<td>P.L. 104-8</td>
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<td>Office of Vocational and Adult Education</td>
<td>R95-5</td>
<td>43,888</td>
<td>43,888</td>
<td>3-30-95</td>
<td>43,888</td>
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<td>Vocational and adult education</td>
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<td></td>
<td></td>
</tr>
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<td>Office of Postsecondary Education</td>
<td>R95-6</td>
<td>26,903</td>
<td>26,903</td>
<td>3-30-95</td>
<td>9,493</td>
<td>P.L. 104-19</td>
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<td>Higher education</td>
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<td></td>
<td></td>
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<tr>
<td>College housing and academic facilities program</td>
<td>R95-7</td>
<td>168</td>
<td>168</td>
<td>3-30-95</td>
<td>168</td>
<td>P.L. 104-19</td>
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<td>Office of Educational Research and Improvement Education research, statistics, and improvement Libraries</td>
<td>R95-8</td>
<td>750</td>
<td>750</td>
<td>3-30-95</td>
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<td>R95-9</td>
<td>12,942</td>
<td>12,942</td>
<td>3-31-95</td>
<td>29,147</td>
<td>P.L. 104-19</td>
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<td>Health Resources and Services Administration</td>
<td>R95-10</td>
<td>29,147</td>
<td>29,147</td>
<td>3-28-95</td>
<td>29,147</td>
<td>P.L. 104-19</td>
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<tr>
<td>Health resources and services</td>
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<td></td>
</tr>
<tr>
<td>Agency/Bureau/Account</td>
<td>Rescission Number</td>
<td>Amounts Pending Before Congress</td>
<td>Previously Withheld and Made Available</td>
<td>Date Made Available</td>
<td>Amount Rescinded</td>
<td>Congressional Action</td>
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<tr>
<td></td>
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<td>Less than 45 days</td>
<td>More than 45 days</td>
<td>Date of Message</td>
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<td><strong>DEPARTMENT OF HEALTH AND HUMAN SERVICES</strong></td>
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</tr>
<tr>
<td>Centers for Disease Control and Prevention</td>
<td>R95-11</td>
<td>1,300</td>
<td>2-6-95</td>
<td>1,300</td>
<td>3-28-95</td>
<td>1,300</td>
</tr>
<tr>
<td>Disease control, research, and training</td>
<td></td>
<td></td>
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<tr>
<td>National Institutes of Health</td>
<td>R95-12</td>
<td>1,000</td>
<td>2-6-95</td>
<td>1,000</td>
<td>3-28-95</td>
<td>1,000</td>
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<tr>
<td>National Center for Research Resources</td>
<td></td>
<td></td>
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<tr>
<td><strong>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Housing Programs</td>
<td>R95-13</td>
<td>439,200</td>
<td>2-6-95</td>
<td>439,200</td>
<td>3-28-95</td>
<td>268,200</td>
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<tr>
<td>Annual contributions for assisted housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Congregate services</td>
<td>R95-14</td>
<td>37,000</td>
<td>2-6-95</td>
<td>37,000</td>
<td>3-28-95</td>
<td>37,000</td>
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<td><strong>DEPARTMENT OF JUSTICE</strong></td>
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<tr>
<td>Federal Prison System</td>
<td>R95-26</td>
<td>28,037</td>
<td>5-2-95</td>
<td>*</td>
<td>28,037</td>
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<td>Salaries and expenses</td>
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<td><strong>DEPARTMENT OF LABOR</strong></td>
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<td>Bureau of Labor Statistics</td>
<td>R95-15</td>
<td>1,100</td>
<td>2-6-95</td>
<td>1,100</td>
<td>3-29-95</td>
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<td>Salaries and expenses</td>
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<td></td>
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<tr>
<td><strong>DEPARTMENT OF TRANSPORTATION</strong></td>
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<td></td>
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<tr>
<td>Federal Railroad Administration</td>
<td>R95-16</td>
<td>13,216</td>
<td>2-6-95</td>
<td>13,216</td>
<td>3-31-95</td>
<td>6,563</td>
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<td>Local rail freight assistance</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Office of the Secretary</td>
<td>R95-17</td>
<td>7,680</td>
<td>2-6-95</td>
<td>*</td>
<td>5,300</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>Payments to air carriers (Airport and airway trust fund)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>R95-27</td>
<td>94,000</td>
<td>5-2-95</td>
<td>*</td>
<td>94,000</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>Grants-in-aid for airports (Airport and airway trust fund)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Funds were never withheld from obligation.
### ATTACHMENT C
Status of FY 1995 Rescission Proposals - As of September 1, 1995
(Amounts in thousands of dollars)

<table>
<thead>
<tr>
<th>Agency/Bureau/Account</th>
<th>Recession Number</th>
<th>Amounts Pending Before Congress</th>
<th>Previously Withheld and Made Available</th>
<th>Date of Message</th>
<th>Date Made Available</th>
<th>Amount Rescinded</th>
<th>Congressional Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Less than 45 days</td>
<td>More than 45 days</td>
<td>Date</td>
<td>Message</td>
<td>Available</td>
<td>Date</td>
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<tr>
<td>ENVIRONMENTAL PROTECTION AGENCY</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Abatement, control, and compliance</td>
<td>R95-1B</td>
<td>11,642</td>
<td>2-6-95</td>
<td>6,835</td>
<td>2-6-95</td>
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<tr>
<td>Water Infrastructure financing</td>
<td>R95-1BA</td>
<td>6,625</td>
<td>2-6-95</td>
<td>4,607</td>
<td>3-26-95</td>
<td>4,807</td>
<td>P.L. 104-19</td>
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<td>Research and development</td>
<td>R95-1BB</td>
<td>3,200</td>
<td>2-6-95</td>
<td>3,200</td>
<td>3-26-95</td>
<td>3,200</td>
<td>P.L. 104-19</td>
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<tr>
<td>R95-1BC</td>
<td>3,635</td>
<td>3-26-95</td>
<td>3,635</td>
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<tr>
<td>R95-1BC-1</td>
<td>Language</td>
<td>2-22-95</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mission support</td>
<td>R95-19</td>
<td>1,000</td>
<td>2-6-95</td>
<td>1,000</td>
<td>3-26-95</td>
<td>1,000</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>Construction of facilities</td>
<td>R95-20</td>
<td>27,000</td>
<td>2-6-95</td>
<td>27,000</td>
<td>3-26-95</td>
<td>27,000</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>Space flight, control, and data communications...</td>
<td>R95-29</td>
<td>10,000</td>
<td>5-2-95</td>
<td>10,000</td>
<td>6-26-95</td>
<td>10,000</td>
<td>P.L. 104-19</td>
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<tr>
<td>SMALL BUSINESS ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
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<td>Salaries and expenses</td>
<td>R95-21</td>
<td>15,000</td>
<td>2-6-95</td>
<td>15,000</td>
<td>4-6-95</td>
<td>15,000</td>
<td>P.L. 104-6</td>
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<tr>
<td>OTHER INDEPENDENT AGENCIES</td>
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<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Chemical Safety and Hazard Investigation Board Salaries and expenses</td>
<td>R95-22</td>
<td>500</td>
<td>2-6-95</td>
<td>500</td>
<td>3-26-95</td>
<td>500</td>
<td>P.L. 104-19</td>
</tr>
<tr>
<td>National Science Foundation Academic research infrastructure</td>
<td>R95-23</td>
<td>131,867</td>
<td>2-6-95</td>
<td>131,867</td>
<td>3-27-95</td>
<td>131,867</td>
<td>P.L. 104-19</td>
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<tr>
<td>TOTAL RESCISSIONS</td>
<td>0</td>
<td>1,196,824</td>
<td>1,111,042</td>
<td>840,369</td>
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<tr>
<td>Agency/Bureau/Amount</td>
<td>Deferral Number</td>
<td>Amount Transmitted</td>
<td>Reasses(s)</td>
<td>Amount Deferred as of 9-1-95</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
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<td>------------</td>
<td>----------------------------</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>FUNDs APPROPRIATED TO THE PRESIDENT</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>International Security Assistance</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic support fund and International fund for Ireland</td>
<td>D55-1</td>
<td>503,300</td>
<td>10-15-95</td>
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<td></td>
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</tr>
<tr>
<td>Foreign military financing grants</td>
<td>D55-2</td>
<td>3,135,279</td>
<td>10-15-95</td>
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<td>Foreign military financing program account</td>
<td>D55-3</td>
<td>47,317</td>
<td>10-15-94</td>
<td>44,802</td>
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<td></td>
<td></td>
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<tr>
<td>Military-to-military contact program</td>
<td>D55-4</td>
<td>2,000</td>
<td>10-15-94</td>
<td>0</td>
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<tr>
<td>Agency for International Development</td>
<td>D55-5</td>
<td>169,906</td>
<td>10-15-94</td>
<td>169,906</td>
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<tr>
<td>Social Security Administration</td>
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</tr>
<tr>
<td>Limitation on administrative expenses</td>
<td>D55-8</td>
<td>7,310</td>
<td>10-18-94</td>
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<tr>
<td>D55-6A</td>
<td></td>
<td>2</td>
<td>2-22-95</td>
<td></td>
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<td></td>
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<tr>
<td>Department of State</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States emergency refugee and migration assistance fund</td>
<td>D55-7</td>
<td>105,300</td>
<td>10-15-94</td>
<td>44,814</td>
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<td></td>
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<tr>
<td>TOTAL, DEFERRALS</td>
<td></td>
<td>3,625,113</td>
<td>1,173,850</td>
<td>2,525</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

(Amounts in thousands of dollars)

ATTACHMENT D
Status of FY 1995 Deferrals - As of September 1, 1995
CUMULATIVE REPORT ON RESCISSION AND DEFERRALS, DECEMBER 1, 1995

COMMUNICATION

FROM

THE DIRECTOR, THE OFFICE OF MANAGEMENT AND BUDGET

TRANSMITTING

THE CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF DECEMBER 1, 1995, PURSUANT TO 2 U.S.C. 685(e)

DECEMBER 14, 1995.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1995
Honorable Newt Gingrich  
Speaker of the House of  
Representatives  
Washington, D.C. 20515  

Dear Mr. Speaker:

In accordance with Executive Order 11845, I am transmitting the cumulative report on rescissions and deferrals. This report is required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is being transmitted concurrently to the Senate and will be published in the Federal Register.

Sincerely,

Alice M. Rivlin  
Director

Enclosure

Similar Letter Sent to the President of the Senate
This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of December 1, 1995, of three deferrals contained in one special message for FY 1996. This message was transmitted to Congress on October 19, 1995.

Rescissions

As of December 1, 1995, no rescission proposals were pending before the Congress.

Deferrals (Attachments A and B)

As of December 1, 1995, $113.2 million in budget authority was being deferred from obligation. Attachment B shows the status of each deferral reported during FY 1995.

Information from Special Message

The special message containing information on the deferrals that are covered by this cumulative report is printed in the Federal Register cited below:

60 FR 55154, Friday, October 27, 1995

ATTACHMENT A

STATUS OF FY 1996 DEFERRALS
(in millions of dollars)

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgetary Resources</th>
</tr>
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<tbody>
<tr>
<td>Deferrals proposed by the President</td>
<td>122.8</td>
</tr>
<tr>
<td>Routine Executive releases through December 1, 1995</td>
<td>-9.6</td>
</tr>
<tr>
<td>(OMB/Agency releases of $9.6 million, partially</td>
<td></td>
</tr>
<tr>
<td>offset by cumulative positive adjustment of $4</td>
<td></td>
</tr>
<tr>
<td>thousand.)</td>
<td></td>
</tr>
<tr>
<td>Overtorned by the Congress</td>
<td>---</td>
</tr>
<tr>
<td>Currently before the Congress</td>
<td>113.2</td>
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<tr>
<td>Agency/Bureau/Account</td>
<td>Deferral Number</td>
</tr>
<tr>
<td>-----------------------</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>FUND APPROPRIATED TO</td>
<td></td>
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<tr>
<td>THE PRESIDENT</td>
<td></td>
</tr>
<tr>
<td>International Security</td>
<td></td>
</tr>
<tr>
<td>Assistance</td>
<td></td>
</tr>
<tr>
<td>Economic support fund</td>
<td></td>
</tr>
<tr>
<td>and International</td>
<td></td>
</tr>
<tr>
<td>Fund for Ireland</td>
<td>D95-1</td>
</tr>
<tr>
<td>DEPARTMENT OF STATE</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td></td>
</tr>
<tr>
<td>emergency refugee</td>
<td></td>
</tr>
<tr>
<td>and migration assistance fund</td>
<td>D96-3</td>
</tr>
<tr>
<td>SOCIAL SECURITY</td>
<td></td>
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<tr>
<td>ADMINISTRATION</td>
<td></td>
</tr>
<tr>
<td>Limitation on</td>
<td></td>
</tr>
<tr>
<td>administrative expenses</td>
<td></td>
</tr>
<tr>
<td>TOTAL, DEFERRALS</td>
<td>122,807</td>
</tr>
</tbody>
</table>
### TABLE 11. LIQUIDATION OF CONTRACT AUTHORIZATION CARRIED IN APPROPRIATIONS ACTS

[NOTE.—The following table is for informational purposes only showing liquidation of contract authorization provided in this session.]

[Amounts in dollars]

<table>
<thead>
<tr>
<th>DEPARTMENT OF TRANSPORTATION</th>
<th>Budget request</th>
<th>Liquidation of contract authorization</th>
<th>Increase (+) or decrease (−) compared with budget request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES, 1996:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maritime Administration: Operating-differential subsidies</td>
<td>162,610,000</td>
<td>162,610,000</td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1996:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Secretary: Payments to air carriers (Airport and Airway Trust Fund)</td>
<td></td>
<td>22,600,000</td>
<td>+ 22,600,000</td>
</tr>
<tr>
<td>Federal Aviation Administration: Grants-in-aid for airports (Airport and Airway Trust Fund)</td>
<td>1,500,000,000</td>
<td>1,500,000,000</td>
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</tr>
<tr>
<td>Federal Highway Administration:</td>
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<tr>
<td>Highway-related safety grants (Highway Trust Fund)</td>
<td>10,000,000</td>
<td>11,000,000</td>
<td>+ 1,000,000</td>
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<tr>
<td>Federal-aid highways (Highway Trust Fund)</td>
<td>19,200,000,000</td>
<td>19,200,000,000</td>
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</tr>
<tr>
<td>Motor carrier safety grants (Highway Trust Fund)</td>
<td>68,000,000</td>
<td>68,000,000</td>
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</tr>
<tr>
<td><strong>NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION:</strong></td>
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<td></td>
</tr>
<tr>
<td>Highway traffic safety grants (Highway Trust Fund)</td>
<td>180,000,000</td>
<td>155,100,000</td>
<td>− 24,900,000</td>
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<tr>
<td><strong>FEDERAL RAILROAD ADMINISTRATION:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust fund share of next generation high speed rail (Highway Trust Fund)</td>
<td>7,118,000</td>
<td>7,118,000</td>
<td></td>
</tr>
<tr>
<td><strong>FEDERAL TRANSIT ADMINISTRATION:</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Trust fund share of transit programs (Highway Trust Fund)</td>
<td>1,120,850,000</td>
<td>1,120,850,000</td>
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</tr>
<tr>
<td>Mass transit capital fund (Highway Trust Fund)</td>
<td>1,700,000,000</td>
<td>2,000,000,000</td>
<td>+ 300,000,000</td>
</tr>
<tr>
<td><strong>TOTAL, LIQUIDATION OF CONTRACT AUTHORIZATION:</strong></td>
<td>23,948,578,000</td>
<td>24,247,278,000</td>
<td>+ 298,700,000</td>
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</tbody>
</table>
TABLE 12. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1996. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for indefinite appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data becomes available during the fiscal year.]

<table>
<thead>
<tr>
<th>Department of Agriculture:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tbody>
<tr>
<td>Office of the Secretary:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>1,853,000</td>
<td>1,294,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−1,853,000</td>
<td>−1,294,000</td>
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<td>Chief financial officer:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
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<td>1,398,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−1,397,000</td>
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<td>Departmental Administration:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>244,895,000</td>
<td>226,062,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−244,895,000</td>
<td>−226,062,000</td>
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<td>Office of Public Affairs:</td>
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<tr>
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<td>3,515,000</td>
<td>3,525,000</td>
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<td>Office of the Inspector General:</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
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<td>Office of the General Counsel:</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
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<td>Economic Research Service:</td>
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<td>National Agricultural Statistics Service:</td>
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<td>Agricultural Research Service:</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
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<td>Cooperative State Research, Education, and Extension Service:</td>
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<td>Animal and Plant Health Inspection Service:</td>
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<td>Food Safety and Inspection Service:</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>−187,467,000</td>
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<td>Grain Inspection, Packers and Stockyards Administration:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>42,784,000</td>
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<td>Agricultural Marketing Service:</td>
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<td>488,930,000</td>
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<td>Farm Service Agency:</td>
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<td>Commodity Credit Corporation:</td>
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<td>Authority To Borrow</td>
<td>1,543,909,000</td>
<td>1,182,725,000</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>(8,179,078,000)</td>
<td>(8,046,336,000)</td>
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<td>Total, Offsetting Collections</td>
<td>−14,890,060,000</td>
<td>−13,782,892,000</td>
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<td>Natural Resources Conservation Service:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>86,855,000</td>
<td>79,752,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−79,752,000</td>
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### PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Amounts in dollars]

<table>
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<tr>
<th>Department</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tr>
<td>Rural Utilities Service</td>
<td>326,316,000</td>
<td>186,500,000</td>
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<td>3,101,586,000</td>
<td>2,755,378,000</td>
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<td>Total, Offsetting Collections</td>
<td>−4,635,902,000</td>
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<td>Rural Housing and Community Development Service:</td>
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<td>Rural housing insurance fund liquidating account</td>
<td>3,187,317,000</td>
<td>2,880,451,000</td>
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<td>395,969,000</td>
<td>394,239,000</td>
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<td>Total, Offsetting Collections</td>
<td>−3,029,286,000</td>
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<td>Rural Business and Cooperative Development Service:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>38,337,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−57,826,000</td>
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<td>Foreign Agricultural Service:</td>
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<td>Public Law 480</td>
<td>157,708,000</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>67,155,000</td>
<td>62,735,000</td>
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<td>Total, Offsetting Collections</td>
<td>−571,670,000</td>
<td>−536,616,000</td>
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<tr>
<td>Food and Consumer Service</td>
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<td>5,540,922,000</td>
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<td>Total, Offsetting Collections</td>
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<tr>
<td>Forest Service</td>
<td>458,066,000</td>
<td>449,366,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>269,548,000</td>
<td>256,675,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−269,548,000</td>
<td>−256,675,000</td>
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<tr>
<td>Total, Department of Agriculture</td>
<td>5,125,454,000</td>
<td>5,184,188,000</td>
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Department of Commerce:

General Administration:

- Spending Authority From Offsetting Collections: 122,059,000
- Total, Offsetting Collections: −122,059,000

Economic Development Administration:

- Spending Authority From Offsetting Collections: 35,485,000
- Total, Offsetting Collections: −35,485,000

Bureau of the Census:

- Spending Authority From Offsetting Collections: 177,775,000
- Total, Offsetting Collections: −177,775,000

Economic and Statistical Analysis:

- Spending Authority From Offsetting Collections: 3,233,000
- Total, Offsetting Collections: −3,233,000

International Trade Administration:

Operations and administration:

- Spending Authority From Offsetting Collections: 32,108,000
- Total, Offsetting Collections: −32,108,000

Export Administration:

Operations and administration:

- Spending Authority From Offsetting Collections: 2,700,000
- Total, Offsetting Collections: −2,700,000

Minority Business Development Agency:

Minority business development:

- Spending Authority From Offsetting Collections: 1,850,000
- Total, Offsetting Collections: −1,850,000

United States Travel and Tourism Administration:

- Spending Authority From Offsetting Collections: 1,500,000
- Total, Offsetting Collections: −1,500,000

National Oceanic and Atmospheric Administration:

- Spending Authority From Offsetting Collections: 67,385,000
- Total, Offsetting Collections: −67,385,000

Patent and Trademark Office:

- Spending Authority From Offsetting Collections: 459,590,000
- Total, Offsetting Collections: −459,590,000

Technology Administration:

- Spending Authority From Offsetting Collections: 559,000
- Total, Offsetting Collections: −559,000

National Technical Information Service:

NTIS revolving fund:

- Spending Authority From Offsetting Collections: 69,798,000
- Total, Offsetting Collections: −69,798,000
## PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
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<tr>
<td>Working capital fund:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>126,181,000</td>
<td>122,465,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−126,181,000</td>
<td>−122,465,000</td>
</tr>
</tbody>
</table>

| National Telecommunications and Information Administration: | | |
| Spending Authority From Offsetting Collections | 8,998,000 | 8,998,000 |
| Total, Offsetting Collections | −8,998,000 | −8,998,000 |

| Total, Department of Commerce | 67,385,000 | 91,265,000 |

### Department of Defense—Military:

#### Military Personnel:

<table>
<thead>
<tr>
<th></th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>1,146,294,000</td>
<td>724,973,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−724,973,000</td>
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<tr>
<td>Operation and Maintenance</td>
<td>50,000,000</td>
<td>100,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>17,506,286,000</td>
<td>17,758,569,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−17,758,569,000</td>
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#### Procurement:

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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>1,289,751,000</td>
<td>1,272,638,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−1,272,638,000</td>
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#### Research, Development, Test, and Evaluation:

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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>4,044,335,000</td>
<td>3,947,873,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−3,947,873,000</td>
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#### Military Construction:

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</thead>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>2,121,379,000</td>
<td>2,228,382,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−2,121,379,000</td>
<td>−2,228,382,000</td>
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#### Family Housing:

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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>144,961,000</td>
<td>180,829,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−144,961,000</td>
<td>−180,829,000</td>
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#### Revolving and Management Funds:

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<th>Fiscal year 1995</th>
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<td>Spending Authority From Offsetting Collections</td>
<td>76,336,734,000</td>
<td>73,060,548,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−73,060,548,000</td>
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</tbody>
</table>

| Total, Department of Defense—Military | 50,000,000 | 100,000 |

### Department of Defense—Civil:

#### Corps of Engineers—Civil:

<table>
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<tr>
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</thead>
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<td>Permanent appropriations</td>
<td>6,854,000</td>
<td>11,296,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
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<td>3,772,320,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−3,477,426,000</td>
<td>−3,772,320,000</td>
</tr>
</tbody>
</table>

| Military Retirement | 11,470,000,000 | 12,102,000,000 |

| Forest and Wildlife Conservation, Military Reservation: Wildlife conservation | 2,653,000 | 2,850,000 |

| Total, Department of Defense—Civil | 11,479,507,000 | 12,116,146,000 |

### Department of Education:

#### Office of Vocational and Adult Education: Vocational and adult education

<table>
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<tr>
<th></th>
<th>Fiscal year 1995</th>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>6,265,146,000</td>
<td>4,267,802,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−4,267,802,000</td>
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#### Office of Postsecondary Education

<table>
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<tr>
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<th>Fiscal year 1996</th>
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<tbody>
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<td>Spending Authority From Offsetting Collections</td>
<td>1,668,705,000</td>
<td>1,643,759,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−1,643,759,000</td>
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#### Departmental Management:

<table>
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<td>Spending Authority From Offsetting Collections</td>
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<td>8,869,000</td>
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<td>Total, Offsetting Collections</td>
<td>−105,641,000</td>
<td>−8,869,000</td>
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</table>

| Total, Department of Education | 6,272,294,000 | 4,267,802,000 |

### Department of Energy:

#### Atomic Energy Defense Activities:

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<tr>
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<td>Spending Authority From Offsetting Collections</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−1,637,000,000</td>
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</tbody>
</table>

| Energy Programs | 2,515,000 | 434,115,000 |

| Clean coal technology: Advanced Appropriation | 2 (375,000,000) | 2 (200,000,000) |
### PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Audits in dollars]

<table>
<thead>
<tr>
<th></th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tbody>
<tr>
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<td>1,546,558,000</td>
<td>1,547,979,000</td>
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<td>−1,550,379,000</td>
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<td><strong>Power Marketing Administration:</strong></td>
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<tr>
<td>Bonneville Power Administration fund (transfer)</td>
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<td>Authority To Borrow</td>
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<td>107,600,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
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<td>3,712,477,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−3,923,277,000</td>
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<td><strong>Departmental Administration:</strong></td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
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<td>122,306,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−122,306,000</td>
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<td><strong>Total, Department of Energy</strong></td>
<td>135,715,000</td>
<td>314,415,000</td>
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<td>Total, Offsetting Collections</td>
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<td>−294,968,000</td>
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<td>International Security Assistance:</td>
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<td>Foreign military loan liquidating account</td>
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<td>23,577,000</td>
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<tr>
<td>North American Development Bank</td>
<td>56,250,000</td>
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<td>Agency for International Development</td>
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<td>600,888,000</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
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<td><strong>Peace Corps:</strong></td>
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<td>Total, Offsetting Collections</td>
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<td>Overseas Private Investment Corporation:</td>
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<td>99,031,000</td>
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<td>Total, Offsetting Collections</td>
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<td><strong>Inter-American Foundation:</strong></td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>4,514,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>−4,514,000</td>
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<td>Military Sales Program:</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−282,000,000</td>
<td>−220,000,000</td>
</tr>
<tr>
<td><strong>Total, Foreign Assistance</strong></td>
<td>−812,328,000</td>
<td>−641,745,000</td>
</tr>
</tbody>
</table>

| **General Government—Independent Agencies:**        |                  |                  |
| Executive Office of the President:                  |                  |                  |
| The White House Office:                             |                  |                  |
| Spending Authority From Offsetting Collections      | 125,000          | 125,000          |
| Total, Offsetting Collections                        | −125,000         | −125,000         |
| Executive Residence at the White House:             |                  |                  |
| Spending Authority From Offsetting Collections      | 1,710,000        | 1,961,000        |
| Total, Offsetting Collections                        | −1,710,000       | −1,961,000       |
| Council on Environmental Quality and Office of Environ-
<p>| mental Quality:                                     |                  |                  |
| Management fund:                                    |                  |                  |
| Spending Authority From Offsetting Collections      | 1,000,000        | 1,000,000        |
| Total, Offsetting Collections                        | −1,000,000       | −1,000,000       |
| Office of Policy Development:                       |                  |                  |
| Spending Authority From Offsetting Collections      | 70,000           |                  |
| Total, Offsetting Collections                        | −70,000          |                  |
| Office of Administration:                           |                  |                  |
| Spending Authority From Offsetting Collections      | 4,644,000        | 4,944,000        |</p>
<table>
<thead>
<tr>
<th>Total, Offsetting Collections</th>
<th>−4,644,000</th>
<th>−4,944,000</th>
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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>25,000</td>
<td>25,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-25,000</td>
<td>-25,000</td>
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<table>
<thead>
<tr>
<th>Office of the United States Trade Representative:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>350,000</td>
<td>305,000</td>
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<td>Total, Offsetting Collections</td>
<td>-350,000</td>
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<table>
<thead>
<tr>
<th>Funds Appropriated to the President:</th>
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<tbody>
<tr>
<td>Unanticipated needs for natural disasters</td>
<td>11,695,000</td>
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<thead>
<tr>
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<tr>
<td>Administrative Conference of the United States:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>150,000</td>
<td>100,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-150,000</td>
<td>-100,000</td>
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<thead>
<tr>
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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>327,000</td>
<td>82,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-327,000</td>
<td>-82,000</td>
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<table>
<thead>
<tr>
<th></th>
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<tbody>
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<td>Spending Authority From Offsetting Collections</td>
<td>150,000</td>
<td>150,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-150,000</td>
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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>48,000</td>
<td>59,759,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-48,000</td>
<td>-59,759,000</td>
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</table>

<table>
<thead>
<tr>
<th>Corporation for Public Broadcasting: Advanced Appropriation</th>
<th>Fiscal year 1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>(285,640,000)</td>
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</table>

<table>
<thead>
<tr>
<th>Court of Veterans Appeals: Practice registration fee</th>
<th>Fiscal year 1995</th>
</tr>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>3,000</td>
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<table>
<thead>
<tr>
<th>Corporation for National and Community Service:</th>
<th>Fiscal year 1995</th>
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<tr>
<td>Domestic volunteer service programs, Operating expenses:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>4,929,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-4,929,000</td>
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<table>
<thead>
<tr>
<th>District of Columbia:</th>
<th>Fiscal year 1995</th>
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<tbody>
<tr>
<td>Federal payment for water and sewer services:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>32,438,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>1,204,000</td>
</tr>
<tr>
<td>Total, Offsetting Collections</td>
<td>-1,204,000</td>
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<table>
<thead>
<tr>
<th>Export-Import Bank of the United States:</th>
<th>Fiscal year 1995</th>
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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>132,746,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-1,070,058,000</td>
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<table>
<thead>
<tr>
<th>Farm Credit Administration:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>37,235,000</td>
<td>40,370,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-37,235,000</td>
<td>-40,370,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>188,495,000</td>
<td>184,084,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-188,495,000</td>
<td>-184,084,000</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Farm Credit System Insurance Corporation:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>121,002,000</td>
<td>129,019,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-121,002,000</td>
<td>-129,019,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>127,258,000</td>
<td>117,000,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-127,258,000</td>
<td>-117,000,000</td>
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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>9,760,482,000</td>
<td>7,376,352,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>-7,376,352,000</td>
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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Savings association insurance fund:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>1,090,174,000</td>
<td>1,989,248,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>-1,090,174,000</td>
<td>-1,989,248,000</td>
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<table>
<thead>
<tr>
<th>FSLIC resolution fund</th>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
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<tr>
<td>Agency and Program</td>
<td>Fiscal year 1995</td>
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<tr>
<td>-------------------</td>
<td>-----------------</td>
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<tr>
<td><strong>Total, Offsetting Collections</strong></td>
<td>1,374,352,000</td>
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<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>-1,374,352,000</td>
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<tr>
<td><strong>Federal Emergency Management Agency:</strong></td>
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</tr>
<tr>
<td>National insurance development fund: Authority To Borrow</td>
<td>1,619,000</td>
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<tr>
<td><strong>Total, Offsetting Collections</strong></td>
<td>-1,619,000</td>
</tr>
<tr>
<td><strong>Federal Financial Institutions Examination Council Appraisal Subcommittee</strong></td>
<td>2,100,000</td>
</tr>
<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>-2,100,000</td>
</tr>
<tr>
<td><strong>Federal Housing Finance Board:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>-15,107,000</td>
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<tr>
<td><strong>Total, Offsetting Collections</strong></td>
<td>-15,107,000</td>
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<tr>
<td><strong>Federal Labor Relations Authority:</strong></td>
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<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>-100,000</td>
</tr>
<tr>
<td><strong>Total, Offsetting Collections</strong></td>
<td>-100,000</td>
</tr>
<tr>
<td><strong>Federal Maritime Commission:</strong></td>
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</tr>
<tr>
<td>Authority To Borrow</td>
<td>410,000</td>
</tr>
<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>-410,000</td>
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<tr>
<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>Federal Mediation and Conciliation Service:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>230,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
<td>-230,000</td>
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<tr>
<td><strong>Federal Trade Commission:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>48,770,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
<td>-48,770,000</td>
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<tr>
<td><strong>FDIC-Office of Inspector General:</strong></td>
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<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>28,622,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
<td>-28,622,000</td>
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<td><strong>Interstate Commerce Commission:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>8,500,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
<td>-8,500,000</td>
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<td><strong>Merit Systems Protection Board:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>2,250,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>National Archives and Records Administration:</strong></td>
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<tr>
<td>Operating expenses:</td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>24,935,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
<td>-24,935,000</td>
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<tr>
<td><strong>National Commission on Libraries and Information Science:</strong></td>
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<tr>
<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>475,000</td>
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<tr>
<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>National Credit Union Administration:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>657,657,000</td>
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<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>National Endowment for the Arts:</strong></td>
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<tr>
<td>Matching grants:</td>
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<tr>
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<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>National Endowment for the Humanities:</strong></td>
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<tr>
<td>Matching grants:</td>
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<td><strong>Total, Offsetting Collections</strong></td>
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<tr>
<td><strong>National Labor Relations Board:</strong></td>
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<td><strong>National Science Foundation:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
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<td><strong>Total, Offsetting Collections</strong></td>
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<td><strong>Nuclear Regulatory Commission:</strong></td>
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<td><strong>Spending Authority From Offsetting Collections</strong></td>
<td>13,000,000</td>
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<tr>
<td>Office</td>
<td>Fiscal year 1995</td>
</tr>
<tr>
<td>--------------------------------------------</td>
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<tr>
<td>Office of Government Ethics:</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Panama Canal Commission:</td>
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<tr>
<td>Pennsylvania Avenue Development Corporation:</td>
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<td>Land acquisition and development fund:</td>
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<td>Total, Offsetting Collections</td>
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<td>Postal Service:</td>
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<tr>
<td>Authority To Borrow</td>
<td>3,958,385,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>54,079,855,000</td>
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<td>Total, Offsetting Collections</td>
<td>−54,079,855,000</td>
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<tr>
<td>Railroad Retirement Board: Federal payments to the railroad retirement accounts</td>
<td>3,331,100,000</td>
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<td>Resolution Trust Corporation:</td>
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<tr>
<td>RTC revolving fund:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>11,204,238,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−11,204,238,000</td>
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<tr>
<td>Securities and Exchange Commission</td>
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<td>Total, Offsetting Collections</td>
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<td>Selective Service System:</td>
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<td>Total, Offsetting Collections</td>
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<td>Smithsonian Institution:</td>
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<td>Total, Offsetting Collections</td>
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<td>Tennessee Valley Authority:</td>
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<td>Authority To Borrow</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>Total, Offsetting Collections</td>
<td>−5,658,404,000</td>
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<td>United States Information Agency:</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>29,927,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−29,927,000</td>
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<tr>
<td>United States Enrichment Corporation Fund:</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−1,582,000,000</td>
</tr>
<tr>
<td>Total, General Government</td>
<td>8,392,374,000</td>
</tr>
</tbody>
</table>

General Services Administration:

Real Property Activities:

Federal buildings fund:

Spending Authority From Offsetting Collections | 5,280,592,000 | 5,895,054,000 |
Total, Offsetting Collections | −5,326,108,000 | −5,599,583,000 |

Personal Property Activities:

Expenses of transportation audit contracts and contract administration | 14,445,000 | 14,254,000 |
Spending Authority From Offsetting Collections | 2,867,826,000 | 3,505,217,000 |
Total, Offsetting Collections | −2,870,684,000 | −3,505,217,000 |

Information Technology Service:

Spending Authority From Offsetting Collections | 1,282,084,000 | 1,303,765,000 |
Total, Offsetting Collections | −1,282,084,000 | −1,303,765,000 |

Federal Property Resources Activities:

Disposal of surplus real and related personal property | 2,610,000 | 2,617,000 |
Spending Authority From Offsetting Collections | 100,000 | 300,000 |
Total, Offsetting Collections | −100,000 | −300,000 |

General Activities:

Office of Inspector General:

Spending Authority From Offsetting Collections | 262,585,000 | 203,976,000 |
## PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, Offsetting Collections</td>
<td>-262,757,000</td>
<td>-203,976,000</td>
</tr>
<tr>
<td>Total, General Services Administration</td>
<td>-31,491,000</td>
<td>312,342,000</td>
</tr>
</tbody>
</table>

### Department of Health and Human Services:

- **Food and Drug Administration**: 324,000, 333,000
- **Spending Authority From Offsetting Collections**: 102,769,000, 153,446,000
- **Total, Offsetting Collections**: -102,769,000, -153,446,000

- **Health Resources and Services Administration**: 41,040,000, 61,044,000
- **Spending Authority From Offsetting Collections**: 202,080,000, 205,140,000
- **Total, Offsetting Collections**: -202,080,000, -205,140,000

### Indian Health Services:

- **Indian health facilities**: 4,500,000, 4,500,000
- **Spending Authority From Offsetting Collections**: 224,454,000, 226,320,000
- **Total, Offsetting Collections**: -224,454,000, -226,320,000

### Centers for Disease Control and Prevention:

- **Disease control, research, and training**: 767,000, 790,000
- **Spending Authority From Offsetting Collections**: 156,660,000, 156,660,000
- **Total, Offsetting Collections**: -156,660,000, -156,660,000

### National Institutes of Health:

- **Spending Authority From Offsetting Collections**: 345,030,000, 345,030,000
- **Total, Offsetting Collections**: -345,030,000, -345,030,000

### Substance Abuse and Mental Health Services Administration:

#### Substance abuse and mental health services:

- **Spending Authority From Offsetting Collections**: 65,946,000, 65,386,000
- **Total, Offsetting Collections**: -65,946,000, -65,386,000

### Agency for Health Care Policy and Research:

#### Health care policy and research:

- **Spending Authority From Offsetting Collections**: 32,992,000, 59,976,000
- **Total, Offsetting Collections**: -32,992,000, -59,976,000

#### Assistant Secretary for Health:

- **Spending Authority From Offsetting Collections**: 967,942,000, 1,030,808,000
- **Total, Offsetting Collections**: -967,942,000, -1,030,808,000

### Health Care Financing Administration:

- **Payments to health care trust funds**: 3,016,000,000, 4,270,000,000
- **Grants to States for Medicaid: Advanced Appropriation**: 2 (26,600,000,000) = (27,047,717,000)
- **Spending Authority From Offsetting Collections**: 2,230,968,000, 2,294,523,000
- **Total, Offsetting Collections**: -2,239,359,000, -2,294,523,000

### Administration for Children and Families:

- **Advanced Appropriations**: 2 (6,030,410,000) = (5,719,204,000)
- **Spending Authority From Offsetting Collections**: 10,200,000, 10,200,000
- **Total, Offsetting Collections**: -10,200,000, -10,200,000

### Departmental Management:

- **Spending Authority From Offsetting Collections**: 168,625,000, 156,488,000
- **Total, Offsetting Collections**: -168,625,000, -156,488,000

### Office of the Inspector General:

- **Spending Authority From Offsetting Collections**: 42,401,000, 37,231,000
- **Total, Offsetting Collections**: -42,401,000, -37,231,000

### Total, Department of Health and Human Services:

- 3,959,240,000, 4,341,667,000

### Department of Housing and Urban Development:

#### Public and Indian Housing:

- **Low-rent public housing—loans and other expenses**: 50,000,000, 50,000,000
- **Spending Authority From Offsetting Collections**: 57,952,000, 61,711,000
- **Total, Offsetting Collections**: -57,952,000, -61,711,000

#### Community Planning and Development:

- **Spending Authority From Offsetting Collections**: 73,846,000, 73,000,000
- **Total, Offsetting Collections**: -97,000,000, -93,000,000

### Housing Programs:

- **Advanced Appropriation**: 2 (800,000,000)
- **Proceeds of Loan Asset Sales With Recourse**: 99,700,000, 537,600,000
- **Authority To Borrow**: 93,200,000, 68,100,000
- **Spending Authority From Offsetting Collections**: 9,575,545,000, 9,530,001,000
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<th>Description</th>
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<th>Fiscal year 1996</th>
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<td>Total, Department of Housing and Urban Development</td>
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<td>642,970,000</td>
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**Department of the Interior:**

| Bureau of Land Management                                                 | 85,433,000        | 82,299,000        |
| Spending Authority From Offsetting Collections                             | 57,099,000        | 57,550,000        |
| Total, Offsetting Collections                                              | −57,099,000       | −57,550,000       |
| Minerals Management Service                                                | 550,109,000       | 562,520,000       |
| Spending Authority From Offsetting Collections                             | 10,350,000        | 13,950,000        |
| Total, Offsetting Collections                                              | −10,350,000       | −13,950,000       |
| Office of Surface Mining Reclamation and Enforcement:                      |                   |                   |
| Abandoned mine reclamation fund                                           | 300,000           | 300,000           |
| Spending Authority From Offsetting Collections                             | −300,000          | −300,000          |
| Bureau of Reclamation                                                      | 50,783,000        | 59,063,000        |
| Spending Authority From Offsetting Collections                             | 588,233,000       | 618,058,000       |
| Total, Offsetting Collections                                              | −610,812,000      | −636,498,000      |
| Central Utah Project: Utah reclamation mitigation and conservation account | 5,908,000          | 6,075,000         |

**United States Geological Survey:**

| Operation and maintenance of quarters                                     | 22,000            | 21,000            |
| Spending Authority From Offsetting Collections                             | 341,416,000       | 337,210,000       |
| Total, Offsetting Collections                                              | −341,416,000      | −337,210,000      |

**Bureau of Mines:**

| Spending Authority From Offsetting Collections                             | 41,896,000        | 47,652,000        |
| Total, Offsetting Collections                                              | −41,896,000       | −47,652,000       |

**United States Fish and Wildlife Service:**

| Spending Authority From Offsetting Collections                             | 70,828,000        | 71,029,000        |
| Total, Offsetting Collections                                              | −70,828,000       | −71,029,000       |

**National Biological Service:**

| Operation and maintenance of quarters                                     | 82,000            | 82,000            |
| Spending Authority From Offsetting Collections                             | 33,000,000        | 29,700,000        |
| Total, Offsetting Collections                                              | −33,000,000       | −29,700,000       |

**National Park Service:**

| Land acquisition and State assistance                                     | 22,928,000        | 24,629,000        |
| Spending Authority From Offsetting Collections                             | 30,000,000        | 30,000,000        |
| Total, Offsetting Collections                                              | −30,000,000       | −30,000,000       |

**Bureau of Indian Affairs:**

| Spending Authority From Offsetting Collections                             | 175,027,000       | 116,033,000       |
| Total, Offsetting Collections                                              | −117,027,000      | −116,033,000      |

**Territorial and International Affairs:**

| Spending Authority From Offsetting Collections                             | 452,663,000       | 244,524,000       |
| Total, Offsetting Collections                                              | −452,663,000      | −244,524,000      |

**Office of the Secretary:**

| Spending Authority From Offsetting Collections                             | 200,306,000       | 207,371,000       |
| Total, Offsetting Collections                                              | −200,306,000      | −207,371,000      |

**Office of the Solicitor:**

| Spending Authority From Offsetting Collections                             | 700,000           | 700,000           |
| Total, Offsetting Collections                                              | −700,000          | −700,000          |

**Office of Inspector General:**

| Spending Authority From Offsetting Collections                             | 325,000           | 50,000            |
| Total, Offsetting Collections                                              | −325,000          | −50,000           |

**National Indian Gaming Commission:**

| Spending Authority From Offsetting Collections                             | 2,750,000         | 2,750,000         |
| Total, Offsetting Collections                                              | −2,750,000        | −2,750,000        |

**Total, Department of the Interior**                                      | 1,709,316,000     | 1,478,190,000     |
## PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Amounts in dollars]

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<th>Fiscal year 1996</th>
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<tr>
<td><strong>The Judiciary:</strong></td>
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<td>Courts of Appeals, District Courts, and other Judicial Services</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>137,013,000</td>
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</table>
### PERMANENT APPROPRIATIONS—FEDERAL FUNDS

**[Amounts in dollars]**

<table>
<thead>
<tr>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
</tr>
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<tbody>
<tr>
<td>Total, Offsetting Collections</td>
<td>$-137,013,000</td>
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<tr>
<td>Total, Department of Labor</td>
<td>$18,800,000</td>
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</table>

#### Legislative Branch:

**Senate:**
- Compensation of members, Senate: $20,505,000, $19,787,000
- Spending Authority From Offsetting Collections: $3,177,000, $3,177,000
- Total, Offsetting Collections: $3,177,000, $3,177,000

**House of Representatives:**
- Compensation of Members and related administrative expenses: $81,351,000, $83,979,000
- Spending Authority From Offsetting Collections: $6,000, $6,000
- Total, Offsetting Collections: $6,000, $6,000

**Architect of the Capitol:**
- Judiciary office building development and operations fund:
  - Authority To Borrow: $15,862,000, $15,741,000
  - Spending Authority From Offsetting Collections: $226,504,000, $231,503,000
  - Total, Offsetting Collections: $24,730,000, $24,930,000

**Library of Congress:**
- Total, Offsetting Collections: $100,516,000, $103,612,000

**Government Printing Office:**
- Total, Offsetting Collections: $849,889,000, $862,313,000

**General Accounting Office:**
- Spending Authority From Offsetting Collections: $7,000,000, $8,400,000
- Total, Offsetting Collections: $7,000,000, $8,400,000

**Other Legislative Branch Agencies:**
- International Conferences and Contingencies: $440,000, $440,000
- Spending Authority From Offsetting Collections: $8,843,000, $8,756,000
- Total, Offsetting Collections: $8,843,000, $8,756,000

**Total, Legislative Branch:** $344,662,000, $351,450,000

**National Aeronautics and Space Administration:**
- Spending Authority From Offsetting Collections: $861,536,000, $896,993,000
- Total, Offsetting Collections: $861,536,000, $896,993,000

**Office of Personnel Management:**
- Payment to civil service retirement and disability fund: $12,736,932,000, $12,811,759,000
- Spending Authority From Offsetting Collections: $309,125,000, $324,812,000
- Total, Offsetting Collections: $309,125,000, $324,812,000

**Total, Office of Personnel Management:** $12,736,932,000, $12,811,759,000

**Small Business Administration:**
- Spending Authority From Offsetting Collections: $1,645,712,000, $1,037,132,000
- Total, Offsetting Collections: $1,645,712,000, $1,037,132,000

**Social Security Administration:**
- Payments to Social Security Trust Funds: $4,833,000,000, $6,683,000,000
- Advanced Appropriations: $2,970,597,000, $2,970,597,000
- Total, Offsetting Collections: $2,970,597,000, $2,970,597,000

**Total, Social Security Administration:** $4,833,000,000, $6,683,000,000

**Department of State:**
- Administration of Foreign Affairs:
  - Payment to the Foreign Service retirement and disability fund: $142,100,000, $142,800,000
  - Spending Authority From Offsetting Collections: $655,374,000, $662,275,000
  - Total, Offsetting Collections: $655,374,000, $662,275,000
### Department of State

<table>
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<th>Category</th>
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### Department of Transportation

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### Department of the Treasury

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## PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Amounts in dollars]

<table>
<thead>
<tr>
<th></th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mint revolving fund: Authority To Borrow</td>
<td></td>
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</tr>
<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>360,651,000</td>
<td>691,737,000</td>
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<td>Bureau of the Public Debt</td>
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<tr>
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<td>3,105,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>3,105,000</td>
<td>3,105,000</td>
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<tr>
<td>Internal Revenue Service</td>
<td>20,078,187,000</td>
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<td>164,909,000</td>
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<td>Total, Offsetting Collections</td>
<td>157,636,000</td>
<td>164,909,000</td>
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<tr>
<td>United States Secret Service</td>
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<td>5,889,000</td>
<td>5,889,000</td>
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<td>Total, Offsetting Collections</td>
<td>5,889,000</td>
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<tr>
<td>Office of Thrift Supervision</td>
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<td>150,800,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>154,600,000</td>
<td>150,800,000</td>
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<tr>
<td>Interest on the public debt</td>
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<td>364,037,000,000</td>
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<td>Total, Department of the Treasury</td>
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<tr>
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<td>358,727,905,000</td>
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<tr>
<td>Veterans Health Administration</td>
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<tr>
<td>Medical care cost recovery fund</td>
<td>107,951,000</td>
<td>111,103,000</td>
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<td>Spending Authority From Offsetting Collections</td>
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<td>429,739,000</td>
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<td>Total, Offsetting Collections</td>
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<tr>
<td>Veterans Benefits Administration</td>
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<td>Pensions</td>
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<tr>
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<td>2,196,438,000</td>
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<tr>
<td>Construction</td>
<td></td>
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<td>3,503,000</td>
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<tr>
<td>Departmental Administration</td>
<td></td>
<td></td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>821,861,000</td>
<td>897,738,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>821,861,000</td>
<td>897,738,000</td>
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<tr>
<td>Total, Department of Veterans Affairs</td>
<td></td>
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<tr>
<td></td>
<td>152,590,000</td>
<td>134,053,000</td>
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<tr>
<td>Allowances: Privatizing collection of receivables</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Total, Federal Funds</td>
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<tr>
<td>CCC</td>
<td>415,086,303,000</td>
<td>449,558,743,000</td>
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<td>1 8,179,078,000</td>
<td>1 8,046,336,000</td>
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<tr>
<td></td>
<td>2 41,051,050,000</td>
<td>2 40,518,921,000</td>
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<tr>
<td>Total budget</td>
<td>464,316,431,000</td>
<td>498,124,000,000</td>
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1 Excluded from total for this table. Considered as current, indefinite appropriations in regular annual act and an appropriation of $10,400,000,000 provided in Public Law 104–37.
2 Advance appropriations are not included in the totals for Permanents and are counted in the recap tables as advances for the fiscal year.
TABLE 13. PERMANENT APPROPRIATIONS—TRUST FUNDS

[NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1996. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for indefinite appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data becomes available during the fiscal year.]

[Amounts in dollars]

<table>
<thead>
<tr>
<th>Department of Agriculture:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Secretary: Gifts and bequests</td>
<td>2,535,000</td>
<td>2,535,000</td>
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<tr>
<td>National Agricultural Statistics Service: Miscellaneous contributed funds</td>
<td>379,000</td>
<td>367,000</td>
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<tr>
<td>Agricultural Research Service: Miscellaneous contributed funds</td>
<td>240,000</td>
<td>231,000</td>
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<tr>
<td>Animal and Plant Health Inspection Service: Miscellaneous trust funds</td>
<td>6,921,000</td>
<td>6,998,000</td>
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<tr>
<td>Food Safety and Inspection Service: Expenses and refunds, inspection and grading of farm products</td>
<td>2,300,000</td>
<td>2,300,000</td>
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<tr>
<td>Agricultural Marketing Service: Spending Authority From Offsetting Collections</td>
<td>102,420,000</td>
<td>102,420,000</td>
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<tr>
<td>Total, Department of Agriculture</td>
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<td>443,039,000</td>
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<table>
<thead>
<tr>
<th>Department of Commerce:</th>
<th>Fiscal year 1995</th>
<th>Fiscal year 1996</th>
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</thead>
<tbody>
<tr>
<td>General Administration: Gifts and bequests</td>
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<td>200,000</td>
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<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Trust Funds</td>
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<td>Contract Authority</td>
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<tr>
<td>Total, Department of Defense—Military</td>
<td>186,551,000</td>
<td>489,985,000</td>
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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Corps of Engineers—Civil: Rivers and harbors contributed funds</td>
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<td>348,773,000</td>
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<td>Military Retirement: Military retirement fund</td>
<td>27,332,000,000</td>
<td>28,390,000,000</td>
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<td>Education Benefits: Education benefits fund</td>
<td>229,100,000</td>
<td>243,800,000</td>
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<td>Armed Forces Retirement Home: Soldiers' and airmen's home revolving fund: Spending Authority From Offsetting Collections</td>
<td>4,830,000</td>
<td>4,930,000</td>
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<td>Total, Department of Defense—Civil</td>
<td>27,808,773,000</td>
<td>28,982,423,000</td>
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<table>
<thead>
<tr>
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<td>Departmental Management: Contributions</td>
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<td>Contribution</td>
<td>Fiscal year 1995</td>
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<tr>
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<td>--------------</td>
<td>------------------</td>
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<td>Environmental Protection Agency:</td>
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<tr>
<td>Hazardous substance superfund</td>
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<td>85,000,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
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<td>-85,000,000</td>
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<tr>
<td>Total, Environmental Protection Agency</td>
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<td>200,010,000</td>
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<td>Foreign Assistance:</td>
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<td>Agency for International Development</td>
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<td>7,620,000</td>
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<td>Peace Corps</td>
<td>950,000</td>
<td>983,000</td>
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<td>African Development Foundation: Gifts and donations, African Development Foundation</td>
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<td>1,000</td>
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<td>Military Sales Programs: Foreign military sales trust fund</td>
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<td>13,420,000,000</td>
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<td>13,428,604,000</td>
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<td>General Government—Independent Agencies:</td>
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<td>Advisory Commission on Intergovernmental Relations Contributions</td>
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<td>Advisory Council on Historic Preservation: Donations</td>
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<td>American Battle Monuments Commission: Contributions</td>
<td>1,041,000</td>
<td>5,496,000</td>
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<td>Appalachian Regional Commission: Miscellaneous trust funds</td>
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<td>4,800,000</td>
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<td>Barry Goldwater Scholarship and Excellence in Education Foundation</td>
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<td>4,281,000</td>
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<td>Christopher Columbus Fellowship Foundation</td>
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<td>Corporation for National and Community Service: Gifts and contributions</td>
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<td>Federal Emergency Management Agency: Bequests and gifts</td>
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<td>81,000</td>
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<td>James Madison Memorial Fellowship Foundation: James Madison Memorial Fellowship Trust Fund</td>
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<td>Japan—United States Friendship Commission:</td>
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<td>-261,000</td>
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<td>Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation</td>
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<td>1,446,000</td>
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<td>National Archives and Records Administration:</td>
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<td>10,929,000</td>
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<tr>
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<td>-10,929,000</td>
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<td>National Endowment for the Arts: Gifts and donations (arts)</td>
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<td>700,000</td>
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<td>National Endowment for the Humanities: Gifts and donations (humanities)</td>
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<td>Railroad social security equivalent benefit account</td>
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<td>343,784,000</td>
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<td>United States Tax Court: Tax Court judges survivors annuity fund</td>
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<td>572,000</td>
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<td>Department/Agency</td>
<td>Fiscal year 1995</td>
<td>Fiscal year 1996</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Total, General Government</strong></td>
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<td>61,425,000</td>
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<tr>
<td>Bureau of Land Management: Miscellaneous trust funds</td>
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<td>Minerals Management Service: Oil spill research</td>
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<td>Total, Offsettings Collections</td>
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<td>Bureau of Reclamation: Reclamation trust funds</td>
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<td>United States Geological Survey: Contributed funds</td>
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<td>Bureau of Mines: Contributed funds</td>
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<td>United States Fish and Wildlife Service: Sport fish restoration</td>
<td>237,847,000</td>
<td>229,410,000</td>
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<tr>
<td>National Biological Service: Donations and contributed funds</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td>National Park Service: Miscellaneous trust funds</td>
<td>8,258,000</td>
<td>8,708,000</td>
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<td>Bureau of Indian Affairs: Cooperative fund (Papago)</td>
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<td>331,788,000</td>
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<td><strong>Total, Department of the Interior</strong></td>
<td>623,282,000</td>
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<tr>
<td><strong>The Judiciary</strong></td>
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<tr>
<td>Federal Judicial Center: Gifts and donations, Federal Judicial Center Foundation</td>
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<td><strong>Total, The Judiciary</strong></td>
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<td><strong>Department of Justice</strong></td>
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<td>Radiation Exposure Compensation: Radiation exposure compensation trust fund</td>
<td>16,264,000</td>
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<td>Federal Prison System: Commissary trust funds</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>143,486,000</td>
<td>150,661,000</td>
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<tr>
<td>Total, Offsettings Collections</td>
<td>−143,486,000</td>
<td>−150,661,000</td>
</tr>
<tr>
<td><strong>Total, Department of Justice</strong></td>
<td>16,264,000</td>
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<td><strong>Department of Labor</strong></td>
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<tr>
<td>Employment and Training Administration: Unemployment trust fund</td>
<td>25,396,300,000</td>
<td>27,300,300,000</td>
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<tr>
<td>Employment Standards Administration: Special workers’ compensation</td>
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<td>142,000,000</td>
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<td><strong>Total, Department of Labor</strong></td>
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<td>27,442,300,000</td>
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<td><strong>Legislative Branch</strong></td>
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</tr>
<tr>
<td>Office of Technology Assessment: Contributions and donations</td>
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<td>5,000</td>
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<tr>
<td>Botanic Garden: Gifts and donations</td>
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<td>2,000,000</td>
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<td>Library of Congress</td>
<td>19,208,000</td>
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<td>Legislative Branch Boards and Commissions: John C. Stennis Center for Public Service Training and Development</td>
<td>8,790,000</td>
<td>1,458,000</td>
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<td><strong>Total, Legislative Branch</strong></td>
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<td><strong>National Aeronautics and Space Administration</strong></td>
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<tr>
<td>Endeavor teacher fellowship trust fund</td>
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<td>1,368,000</td>
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<td><strong>Office of Personnel Management</strong></td>
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<td>Civil service retirement and disability fund</td>
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<td>Spending Authority From Offsetting Collections</td>
<td>18,729,777,000</td>
<td>19,429,018,000</td>
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<tr>
<td>Amounts in dollars</td>
<td>Fiscal year 1995</td>
<td>Fiscal year 1996</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Total, Offsetting Collections</td>
<td>-18,729,777,000</td>
<td>-19,429,018,000</td>
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<tr>
<td>Total, Office of Personnel Management</td>
<td>37,968,499,000</td>
<td>39,744,283,000</td>
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</tbody>
</table>

**Small Business Administration:**
- Business assistance trust fund:
  - Spending Authority From Offsetting Collections: 300,000
  - Total, Offsetting Collections: -300,000

**Social Security Administration:**
- Federal old-age and survivors insurance trust fund: 338,930,436,000
  - Spending Authority From Offsetting Collections: 2,408,844,000
  - Total, Offsetting Collections: -2,408,844,000

**Department of State:**
- Administration of Foreign Affairs: Foreign Service retirement and disability fund: 471,386,000

**Department of Transportation:**
- Unified transportation infrastructure investment program:
  - Spending Authority From Offsetting Collections: 75,000,000
  - Total, Offsetting Collections: -75,000,000

- Federal Highway Administration:
  - Miscellaneous trust funds: 20,818,084,000
    - Contract Authority: 7,500,000
    - Spending Authority From Offsetting Collections: 118,678,000
    - Total, Offsetting Collections: -118,678,000

- National Highway Traffic Safety Administration:
  - Highway traffic safety grants; Contract Authority: 196,000,000

- Federal Railroad Administration:
  - Trust fund share of next generation high speed rail program; Contract Authority: 105,000,000

- Federal Transit Administration:
  - Discretionary grants (trust fund); Contract Authority: 2,874,904,000

- Federal Aviation Administration:
  - Facilities and equipment (Airport and airway trust fund):
    - Spending Authority From Offsetting Collections: 122,725,000
    - Total, Offsetting Collections: -122,725,000

- Coast Guard:
  - Boat safety: 67,580,000
    - Spending Authority From Offsetting Collections: 7,225,000
    - Total, Offsetting Collections: -7,225,000

- Maritime Administration:
  - Gifts and bequests: 70,000

- Office of the Secretary: Payments to air carriers (trust fund); Contract Authority: 22,030,000

**Department of the Treasury:**
- Departmental Offices:
  - Gifts and bequests: 10,000

- Federal Law Enforcement Training Center:
  - Gifts and bequests: 200,000

- Financial Management Service:
  - Miscellaneous trust funds: 40,000

- United States Customs Service:
  - Refunds, transfers and expenses, unclaimed, and abandoned goods: 3,111,000

- Comptroller of the Currency:
  - Assessment funds:
    - Spending Authority From Offsetting Collections: 387,950,000
    - Total, Offsetting Collections: -387,950,000

**Total, Department of the Treasury:** 3,361,000 3,249,000
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[Amounts in dollars]

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<td>Veterans Health Administration: General post fund, national homes</td>
<td>29,622,000</td>
<td>30,326,000</td>
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<td>1,414,890,000</td>
<td>1,369,990,000</td>
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<tr>
<td>Spending Authority From Offsetting Collections</td>
<td>769,940,000</td>
<td>742,250,000</td>
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<tr>
<td>Total, Offsetting Collections</td>
<td>−769,940,000</td>
<td>−742,250,000</td>
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<tr>
<td>Departmental Administration: National cemetery gift fund</td>
<td>30,000</td>
<td>30,000</td>
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<tr>
<td>Total, Department of Veterans Affairs</td>
<td>1,444,542,000</td>
<td>1,400,346,000</td>
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<tr>
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<td>663,516,843,000</td>
<td>681,690,225,000</td>
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<tr>
<td>104-64 Dec. 18 To extend and reauthorize the Defense Production Act of 1950, and for other purposes</td>
<td>1177</td>
</tr>
<tr>
<td>104-93 Jan. 6 To authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes</td>
<td>1178</td>
</tr>
<tr>
<td>104-106 Feb. 10 To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes</td>
<td>1194</td>
</tr>
<tr>
<td><strong>DISTRICT OF COLUMBIA ACTS</strong></td>
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</tr>
<tr>
<td>104-8 April 17 To eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes</td>
<td>1651</td>
</tr>
<tr>
<td>104-21 Aug. 4 To authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes</td>
<td>1700</td>
</tr>
<tr>
<td>104-28 Sept. 6 To permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes</td>
<td>1703</td>
</tr>
<tr>
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<tr>
<td>104-58 Nov. 28 To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes</td>
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<tr>
<td><strong>FOREIGN AFFAIRS ACTS</strong></td>
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<td>104-45 Nov. 8 To provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes</td>
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ONE HUNDRED FOURTH CONGRESS, FIRST SESSION

(January 4, 1995 to January 3, 1996)

SHOWING

VOL. 1

APPROPRIATIONS ACTS (pp. 1–858)

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VOL. 2

ACTS AUTHORIZING OR CONTAINING APPROPRIATIONS (pp. 1127–1988)

PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

BY

J. KEITH KENNEDY
Staff Director to the Committee on Appropriations
United States Senate

JAMES W. DYER
Clerk and Staff Director to the Committee on Appropriations
House of Representatives
AGRICULTURE ACTS

PUBLIC LAW 104–105—FEB. 10, 1996

Public Law 104–105
104th Congress

An Act

To amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Farm Credit System Reform Act of 1996”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AGRICULTURAL MORTGAGE SECONDARY MARKET

Sec. 101. Definition of real estate.
Sec. 102. Definition of certified facility.
Sec. 103. Duties of Federal Agricultural Mortgage Corporation.
Sec. 104. Powers of the Corporation.
Sec. 105. Federal reserve banks as depositaries and fiscal agents.
Sec. 106. Certification of agricultural mortgage marketing facilities.
Sec. 107. Guarantee of qualified loans.
Sec. 108. Mandatory reserves and subordinated participation interests eliminated.
Sec. 109. Standards requiring diversified pools.
Sec. 110. Small farms.
Sec. 111. Definition of an affiliate.
Sec. 112. State usury laws superseded.
Sec. 113. Extension of capital transition period.
Sec. 114. Minimum capital level.
Sec. 115. Critical capital level.
Sec. 116. Enforcement levels.
Sec. 117. Recapitalization of the Corporation.
Sec. 118. Liquidation of the Federal Agricultural Mortgage Corporation.

TITLE II—REGULATORY RELIEF

Sec. 201. Compensation of association personnel.
Sec. 202. Use of private mortgage insurance.
Sec. 203. Removal of certain borrower reporting requirement.
Sec. 204. Reform of regulatory limitations on dividend, member business, and voting practices of eligible farmer-owned cooperatives.
Sec. 206. Borrower stock.
Sec. 207. Disclosure relating to adjustable rate loans.
Sec. 208. Borrowers’ rights.
Sec. 209. Formation of administrative service entities.
Sec. 211. Dissemination of quarterly reports.
Sec. 212. Regulatory review.
Sec. 213. Examination of farm credit system institutions.
Sec. 214. Conservatorships and receiverships.
Sec. 215. Farm Credit Insurance Fund operations.
Sec. 216. Examinations by the Farm Credit System Insurance Corporation.
Sec. 217. Powers with respect to troubled insured System banks.

Note: Enacted during second session of 104th Congress.
AGRICULTURE ACTS

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Sec. 218. Oversight and regulatory actions by the Farm Credit System Insurance Corporation.
Sec. 219. Farm Credit System Insurance Corporation board of directors.
Sec. 220. Interest rate reduction program.
Sec. 221. Liability for making criminal referrals.

TITLE III—IMPLEMENTATION AND EFFECTIVE DATE

Sec. 301. Implementation.
Sec. 302. Effective date.

TITLE I—AGRICULTURAL MORTGAGE SECONDARY MARKET

SEC. 101. DEFINITION OF REAL ESTATE.

Section 8.0(1)(B)(ii) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(1)(B)(ii)) is amended by striking “with a purchase price” and inserting “, excluding the land to which the dwelling is affixed, with a value”.

SEC. 102. DEFINITION OF CERTIFIED FACILITY.

Section 8.0(3) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(3)) is amended—
(1) in subparagraph (A), by striking “a secondary marketing agricultural loan” and inserting “an agricultural mortgage marketing”; and
(2) in subparagraph (B), by striking “, but only” and all that follows through “(9)(B)”.

SEC. 103. DUTIES OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Section 8.1(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–1(b)) is amended—
(1) in paragraph (2), by striking “and” at the end;
(2) in paragraph (3), by striking the period at the end and inserting “; and”;
(3) by adding at the end the following:
“(4) purchase qualified loans and issue securities representing interests in, or obligations backed by, the qualified loans, guaranteed for the timely repayment of principal and interest.”.

SEC. 104. POWERS OF THE CORPORATION.

Section 8.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–3(c)) is amended—
(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and
(2) by inserting after paragraph (12) the following:
“(13) To purchase, hold, sell, or assign a qualified loan, to issue a guaranteed security, representing an interest in, or an obligation backed by, the qualified loan, and to perform all the functions and responsibilities of an agricultural mortgage marketing facility operating as a certified facility under this title.”.

SEC. 105. FEDERAL RESERVE BANKS AS DEPOSITARIES AND FISCAL AGENTS.

Section 8.3 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–3) is amended—
(1) in subsection (d), by striking “may act as depositaries for, or” and inserting “shall act as depositaries for, and”; and
(2) in subsection (e), by striking “Secretary of the Treasury may authorize the Corporation to use” and inserting “Corporation shall have access to”.
PUBLIC LAW 104–105—FEB. 10, 1996

AGRICULTURE ACTS

SEC. 106. CERTIFICATION OF AGRICULTURAL MORTGAGE MARKETING FACILITIES.

Section 8.5 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–5) is amended—
(1) in subsection (a)—
(A) in paragraph (1), by inserting ``(other than the Corporation)'' after “agricultural mortgage marketing facilities”; and
(B) in paragraph (2), by inserting ``(other than the Corporation)'' after “agricultural mortgage marketing facility”; and
(2) in subsection (e)(1), by striking ``(other than the Corporation)''.

SEC. 107. GUARANTEE OF QUALIFIED LOANS.

Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) is amended—
(1) in subsection (a)(1)—
(A) by striking “Corporation shall guarantee” and inserting the following: “Corporation—
(A) shall guarantee”;
(B) by striking the period at the end and inserting “; and”;
and
(C) by adding at the end the following: “(B) may issue a security, guaranteed as to the timely payment of principal and interest, that represents an interest solely in, or an obligation fully backed by, a pool consisting of qualified loans that—
(i) meet the standards established under section 8.8; and
(ii) have been purchased and held by the Corporation.”;
(2) in subsection (d)—
(A) by striking paragraph (4); and
(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and
(3) in subsection (g)(2), by striking “section 8.0(9)(B)” and inserting “section 8.0(9)(I)”.

SEC. 108. MANDATORY RESERVES AND SUBORDINATED PARTICIPATION INTERESTS ELIMINATED.

(a) GUARANTEE OF QUALIFIED LOANS.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) is amended by striking subsection (b).

(b) RESERVES AND SUBORDINATED PARTICIPATION INTERESTS.—Section 8.7 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–7) is repealed.

(c) CONFORMING AMENDMENTS.—
(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking “8.7, 8.8,” and inserting “8.8”.
(2) Section 8.6(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6(a)(2)) is amended by striking “subject to the provisions of subsection (b)”.

SEC. 109. STANDARDS REQUIRING DIVERSIFIED POOLS.

(a) IN GENERAL.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) (as amended by section 108) is amended—
(1) by striking subsection (c); and
(2) by redesignating subsections (d) through (g) as subsections (b) through (e), respectively.

(b) CONFORMING AMENDMENTS.—
(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking “(f)” and inserting “(d)”. 
(2) Section 8.13(a) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–13(a)) is amended by striking “sections 8.6(b) and” in each place it appears and inserting “section”.  
(3) Section 8.32(b)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1(b)(1)(C)) is amended—
   (A) by striking “shall” and inserting “may”; and
   (B) by inserting “(as in effect before the date of the enactment of the Farm Credit System Reform Act of 1996)” before the semicolon.
(4) Section 8.6(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6(b)) (as redesignated by subsection (a)(2)) is amended—
   (A) by striking paragraph (4) (as redesignated by section 107(2)(B)); and
   (B) by redesignating paragraphs (5) and (6) (as redesignated by section 107(2)(B)) as paragraphs (4) and (5), respectively.

SEC. 110. SMALL FARMS.
Section 8.8(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–8(e)) is amended by adding at the end the following: “The Board shall promote and encourage the inclusion of qualified loans for small farms and family farmers in the agricultural mortgage secondary market.”.

SEC. 111. DEFINITION OF AN AFFILIATE.
Section 8.11(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–11(e)) is amended—
   (1) by striking “a certified facility or”; and
   (2) by striking “paragraphs (3) and (7), respectively, of section 8.0” and inserting “section 8.0(7)”.

SEC. 112. STATE USURY LAWS SUPERSEDED.
Section 8.12 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–12) is amended by striking subsection (d) and inserting the following:
   “(d) STATE USURY LAWS SUPERSEDED.—A provision of the Constitution or law of any State shall not apply to an agricultural loan made by an originator or a certified facility in accordance with this title for sale to the Corporation or to a certified facility for inclusion in a pool for which the Corporation has provided, or has committed to provide, a guarantee, if the loan, not later than 180 days after the date the loan was made, is sold to the Corporation or included in a pool for which the Corporation has provided a guarantee, if the provision—
   “(1) limits the rate or amount of interest, discount points, finance charges, or other charges that may be charged, taken, received, or reserved by an agricultural lender or a certified facility; or
   “(2) limits or prohibits a prepayment penalty (either fixed or declining), yield maintenance, or make-whole payment that may be charged, taken, or received by an agricultural lender or a certified facility in connection with the full or partial payment of the principal amount due on a loan by a borrower in advance of the scheduled date for the payment under the terms of the loan, otherwise known as a prepayment of the loan principal.”.

SEC. 113. EXTENSION OF CAPITAL TRANSITION PERIOD.
Section 8.32 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1) is amended—
   (1) in the first sentence of subsection (a), by striking “Not later than the expiration of the 2-year period beginning on December 13, 1991,” and inserting “Not sooner than the expiration of the 3-year period beginning on the date of enactment of the Farm Credit System Reform Act of 1996,”;
(2) in the first sentence of subsection (b)(2), by striking “5-year” and inserting “8-year”; and
(3) in subsection (d)—
   (A) in the first sentence—
      (i) by striking “The regulations establishing” and inserting the following:
      “(1) IN GENERAL.—The regulations establishing”; and
      (ii) by striking “shall contain” and inserting the following: “shall—
      “(A) be issued by the Director for public comment in the form of a notice of proposed rulemaking, to be first published after the expiration of the period referred to in subsection (a); and
      “(B) contain”; and
   (B) in the second sentence, by striking “The regulations shall” and inserting the following:
      “(2) SPECIFICITY.—The regulations referred to in paragraph (1) shall”.

SEC. 114. MINIMUM CAPITAL LEVEL.
Section 8.33 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–2) is amended to read as follows:

“SEC. 8.33. MINIMUM CAPITAL LEVEL.
“(a) IN GENERAL.—Except as provided in subsection (b), for purposes of this subtitle, the minimum capital level for the Corporation shall be an amount of core capital equal to the sum of—
   “(1) 2.75 percent of the aggregate on-balance sheet assets of the Corporation, as determined in accordance with generally accepted accounting principles; and
   “(2) 0.75 percent of the aggregate off-balance sheet obligations of the Corporation, which, for the purposes of this subtitle, shall include—
      “(A) the unpaid principal balance of outstanding securities that are guaranteed by the Corporation and backed by pools of qualified loans;
      “(B) instruments that are issued or guaranteed by the Corporation and are substantially equivalent to instruments described in subparagraph (A); and
      “(C) other off-balance sheet obligations of the Corporation.
   “(b) TRANSITION PERIOD.—
      “(1) IN GENERAL.—For purposes of this subtitle, the minimum capital level for the Corporation—
         “(A) prior to January 1, 1997, shall be the amount of core capital equal to the sum of—
            “(i) 0.45 percent of aggregate off-balance sheet obligations of the Corporation;
            “(ii) 0.45 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and
            “(iii) 2.50 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);
         “(B) during the 1-year period ending December 31, 1997, shall be the amount of core capital equal to the sum of—
            “(i) 0.55 percent of aggregate off-balance sheet obligations of the Corporation;
            “(ii) 1.20 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and
            “(iii) 2.55 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);
“(C) during the 1-year period ending December 31, 1998, shall be the amount of core capital equal to—
“(i) if the Corporation’s core capital is not less than $25,000,000 on January 1, 1998, the sum of—
“(I) 0.65 percent of aggregate off-balance sheet obligations of the Corporation;
“(II) 1.95 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and
“(III) 2.65 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2); or
“(ii) if the Corporation’s core capital is less than $25,000,000 on January 1, 1998, the amount determined under subsection (a); and
“(D) on and after January 1, 1999, shall be the amount determined under subsection (a).
“(2) DESIGNATED ON-BALANCE SHEET ASSETS.—For purposes of this subsection, the designated on-balance sheet assets of the Corporation shall be—
“(A) the aggregate on-balance sheet assets of the Corporation acquired under section 8.6(e); and
“(B) the aggregate amount of qualified loans purchased and held by the Corporation under section 8.3(c)(13).”.

SEC. 115. CRITICAL CAPITAL LEVEL.

Section 8.34 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-3) is amended to read as follows:

“SEC. 8.34. CRITICAL CAPITAL LEVEL.

“For purposes of this subtitle, the critical capital level for the Corporation shall be an amount of core capital equal to 50 percent of the total minimum capital amount determined under section 8.33.”.

SEC. 116. ENFORCEMENT LEVELS.

Section 8.35(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-4(e)) is amended by striking “during the 30-month period beginning on the date of the enactment of this section,” and inserting “during the period beginning on December 13, 1991, and ending on the effective date of the risk based capital regulation issued by the Director under section 8.32,”.

SEC. 117. RECAPITALIZATION OF THE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) is amended by adding at the end the following:

“SEC. 8.38. RECAPITALIZATION OF THE CORPORATION.

“(a) MANDATORY RECAPITALIZATION.—The Corporation shall increase the core capital of the Corporation to an amount equal to or greater than $25,000,000, not later than the earlier of—
“(1) the date that is 2 years after the date of enactment of this section; or
“(2) the date that is 180 days after the end of the first calendar quarter that the aggregate on-balance sheet assets of the Corporation, plus the outstanding principal of the off-balance sheet obligations of the Corporation, equal or exceed $2,000,000,000.
“(b) RAISING CORE CAPITAL.—In carrying out this section, the Corporation may issue stock under section 8.4 and otherwise employ any recognized and legitimate means of raising core capital in the power of the Corporation under section 8.3.
“(c) LIMITATION ON GROWTH OF TOTAL ASSETS.—During the 2-year period beginning on the date of enactment of this section, the aggregate on-balance sheet assets of the Corporation plus the outstanding principal of the off-balance sheet obligations of the
Corporation may not exceed $3,000,000,000 if the core capital of the Corporation is less than $25,000,000.

(d) Enforcement.—If the Corporation fails to carry out subsection (a) by the date required under paragraph (1) or (2) of subsection (a), the Corporation may not purchase a new qualified loan or issue or guarantee a new loan-backed security until the core capital of the Corporation is increased to an amount equal to or greater than $25,000,000.”.

SEC. 118. LIQUIDATION OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) (as amended by section 117) is amended by adding at the end the following:

“Subtitle C—Receivership, Conservatorship, and Liquidation of the Federal Agricultural Mortgage Corporation

“SEC. 8.41. CONSERVATORSHIP; LIQUIDATION; RECEIVERSHIP.

“(a) Voluntary Liquidation.—The Corporation may voluntarily liquidate only with the consent of, and in accordance with a plan of liquidation approved by, the Farm Credit Administration Board.

“(b) Involuntary Liquidation.—

“(1) In general.—The Farm Credit Administration Board may appoint a conservator or receiver for the Corporation under the circumstances specified in section 4.12(b).

“(2) Application.—In applying section 4.12(b) to the Corporation under paragraph (1)—

“(A) the Corporation shall also be considered insolvent if the Corporation is unable to pay its debts as they fall due in the ordinary course of business;

“(B) a conservator may also be appointed for the Corporation if the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; and

“(C) a receiver may also be appointed for the Corporation if—

“(i)(I) the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; or

“(II) the Corporation is classified under section 8.35 as within level III or IV and the alternative actions available under subtitle B are not satisfactory; and

“(ii) the Farm Credit Administration determines that the appointment of a conservator would not be appropriate.

“(3) No effect on supervisory actions.—The grounds for appointment of a conservator for the Corporation under this subsection shall be in addition to those in section 8.37.

“(c) Appointment of Conservator or Receiver.—

“(1) Qualifications.—Notwithstanding section 4.12(b), if a conservator or receiver is appointed for the Corporation, the conservator or receiver shall be—

“(A) the Farm Credit Administration or any other governmental entity or employee, including the Farm Credit System Insurance Corporation; or

“(B) any person that—

“(i) has no claim against, or financial interest in, the Corporation or other basis for a conflict of interest as the conservator or receiver; and
“(ii) has the financial and management expertise necessary to direct the operations and affairs of the Corporation and, if necessary, to liquidate the Corporation.

“(2) **Compensation.**—

“(A) **In general.**—A conservator or receiver for the Corporation and professional personnel (other than a Federal employee) employed to represent or assist the conservator or receiver may be compensated for activities conducted as, or for, a conservator or receiver.

“(B) **Limit on compensation.**—Compensation may not be provided in amounts greater than the compensation paid to employees of the Federal Government for similar services, except that the Farm Credit Administration may provide for compensation at higher rates that are not in excess of rates prevailing in the private sector if the Farm Credit Administration determines that compensation at higher rates is necessary in order to recruit and retain competent personnel.

“(C) **Contractual arrangements.**—The conservator or receiver may contract with any governmental entity, including the Farm Credit System Insurance Corporation, to make personnel, services, and facilities of the entity available to the conservator or receiver on such terms and compensation arrangements as shall be mutually agreed, and each entity may provide the same to the conservator or receiver.

“(3) **Expenses.**—A valid claim for expenses of the conservatorship or receivership (including compensation under paragraph (2)) and a valid claim with respect to a loan made under subsection (f) shall—

“(A) be paid by the conservator or receiver from funds of the Corporation before any other valid claim against the Corporation; and

“(B) may be secured by a lien, on such property of the Corporation as the conservator or receiver may determine, that shall have priority over any other lien.

“(4) **Liability.**—If the conservator or receiver for the Corporation is not a Federal entity, or an officer or employee of the Federal Government, the conservator or receiver shall not be personally liable for damages in tort or otherwise for an act or omission performed pursuant to and in the course of the conservatorship or receivership, unless the act or omission constitutes gross negligence or any form of intentional tortious conduct or criminal conduct.

“(5) **Indemnification.**—The Farm Credit Administration may allow indemnification of the conservator or receiver from the assets of the conservatorship or receivership on such terms as the Farm Credit Administration considers appropriate.

“(d) **Judicial Review of Appointment.**—

“(1) **In general.**—Notwithstanding subsection (i)(1), not later than 30 days after a conservator or receiver is appointed under subsection (b), the Corporation may bring an action in the United States District Court for the District of Columbia for an order requiring the Farm Credit Administration Board to remove the conservator or receiver. The court shall, on the merits, dismiss the action or direct the Farm Credit Administration Board to remove the conservator or receiver.

“(2) **Stay of other actions.**—On the commencement of an action under paragraph (1), any court having jurisdiction of any other action or enforcement proceeding authorized under this Act to which the Corporation is a party shall stay the action or proceeding during the pendency of the action for removal of the conservator or receiver.
“(e) General Powers of Conservator or Receiver.—The conservator or receiver for the Corporation shall have such powers to conduct the conservatorship or receivership as shall be provided pursuant to regulations adopted by the Farm Credit Administration Board. Such powers shall be comparable to the powers available to a conservator or receiver appointed pursuant to section 4.12(b).

“(f) Borrowings for Working Capital.—

“(1) In General.—If the conservator or receiver of the Corporation determines that it is likely that there will be insufficient funds to pay the ongoing administrative expenses of the conservatorship or receivership or that there will be insufficient liquidity to fund maturing obligations of the conservatorship or receivership, the conservator or receiver may borrow funds in such amounts, from such sources, and at such rates of interest as the conservator or receiver considers necessary or appropriate to meet the administrative expenses or liquidity needs of the conservatorship or receivership.

“(2) Working Capital from Farm Credit Banks.—A Farm Credit bank may loan funds to the conservator or receiver for a loan authorized under paragraph (1) or, in the event of receivership, a Farm Credit bank may purchase assets of the Corporation.

“(g) Agreements Against Interests of Conservator or Receiver.—No agreement that tends to diminish or defeat the right, title, or interest of the conservator or receiver for the Corporation in any asset acquired by the conservator or receiver as conservator or receiver for the Corporation shall be valid against the conservator or receiver unless the agreement—

“(1) is in writing;

“(2) is executed by the Corporation and any person claiming an adverse interest under the agreement, including the obligor, contemporaneously with the acquisition of the asset by the Corporation;

“(3) is approved by the Board or an appropriate committee of the Board, which approval shall be reflected in the minutes of the Board or committee; and

“(4) has been, continuously, from the time of the agreement’s execution, an official record of the Corporation.

“(h) Report to the Congress.—On a determination by the receiver for the Corporation that there are insufficient assets of the receivership to pay all valid claims against the receivership, the receiver shall submit to the Secretary of the Treasury, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the financial condition of the receivership.

“(i) Termination of Authorities.—

“(1) Corporation.—The charter of the Corporation shall be canceled, and the authority provided to the Corporation by this title shall terminate, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.

“(2) Oversight.—The Office of Secondary Market Oversight established under section 8.11 shall be abolished, and section 8.11(a) and subtitle B shall have no force or effect, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.”
TITLE II—REGULATORY RELIEF

SEC. 201. COMPENSATION OF ASSOCIATION PERSONNEL.

Section 1.5(13) of the Farm Credit Act of 1971 (12 U.S.C. 2013(13)) is amended by striking “, and the appointment and compensation of the chief executive officer thereof,”.

SEC. 202. USE OF PRIVATE MORTGAGE INSURANCE.

(a) In General.—Section 1.10(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)) is amended by adding at the end the following:

“(D) PRIVATE MORTGAGE INSURANCE.—A loan on which private mortgage insurance is obtained may exceed 85 percent of the appraised value of the real estate security to the extent that the loan amount in excess of such 85 percent is covered by the insurance.”.

(b) Conforming Amendment.—Section 1.10(a)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)(A)) is amended by striking “paragraphs (2) and (3)” and inserting “subparagraphs (C) and (D)”.

SEC. 203. REMOVAL OF CERTAIN BORROWER REPORTING REQUIREMENT.

Section 1.10(a) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)) is amended by striking paragraph (5).

SEC. 204. REFORM OF REGULATORY LIMITATIONS ON DIVIDEND, MEMBER BUSINESS, AND VOTING PRACTICES OF ELIGIBLE FARMER-OWNED COOPERATIVES.

(a) In General.—Section 3.8(a) of the Farm Credit Act of 1971 (12 U.S.C. 2129(a)) is amended by adding at the end the following: “Any such association that has received a loan from a bank for cooperatives shall, without regard to the requirements of paragraphs (1) through (4), continue to be eligible for so long as more than 50 percent (or such higher percentage as is established by the bank board) of the voting control of the association is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations.”.

(b) Conforming Amendment.—Section 3.8(b)(1)(D) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(D)) is amended by striking “and (4) of subsection (a)” and inserting “and (4), or under the last sentence, of subsection (a)”.

SEC. 205. REMOVAL OF FEDERAL GOVERNMENT CERTIFICATION REQUIREMENT FOR CERTAIN PRIVATE SECTOR FINANCINGS.

Section 3.8(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(A)) is amended—

(1) by striking “have been certified by the Administrator of the Rural Electrification Administration to be eligible for such” and inserting “are eligible under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) for”; and

(2) by striking “loan guarantee, and” and inserting “loan guarantee from the Administration or the Bank (or a successor of the Administration or the Bank), and”.

SEC. 206. BORROWER STOCK.

Section 4.3A of the Farm Credit Act of 1971 (12 U.S.C. 2154a) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

“(f) LOANS DESIGNATED FOR SALE OR SOLD INTO THE SECONDARY MARKET.”
“(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, the bylaws adopted by a bank or association under subsection (b) may provide—

“(A) in the case of a loan made on or after the date of enactment of this paragraph that is designated, at the time the loan is made, for sale into a secondary market, that no voting stock or participation certificate purchase requirement shall apply to the borrower for the loan; and

“(B) in the case of a loan made before the date of enactment of this paragraph that is sold into a secondary market, that all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.

“(2) APPLICABILITY.—Notwithstanding any other provision of this section, in the case of a loan sold to a secondary market under title VIII, paragraph (1) shall apply regardless of whether the bank or association retains a subordinated participation interest in a loan or pool of loans or contributes to a cash reserve.

“(3) EXCEPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this section, if a loan designated for sale under paragraph (1)(A) is not sold into a secondary market during the 180-day period that begins on the date of the designation, the voting stock or participation certificate purchase requirement that would otherwise apply to the loan in the absence of a bylaw provision described in paragraph (1)(A) shall be effective.

“(B) RETIREMENT.—The bylaws adopted by a bank or association under subsection (b) may provide that if a loan described in subparagraph (A) is sold into a secondary market after the end of the 180-day period described in the subparagraph, all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.”.

SEC. 207. DISCLOSURE RELATING TO ADJUSTABLE RATE LOANS.

Section 4.13(a)(4) of the Farm Credit Act of 1971 (12 U.S.C. 2199(a)(4)) is amended by inserting before the semicolon at the end the following: “, and notice to the borrower of a change in the interest rate applicable to the loan of the borrower may be made within a reasonable time after the effective date of an increase or decrease in the interest rate”.

SEC. 208. BORROWERS' RIGHTS.

(a) DEFINITION OF LOAN.—Section 4.14A(a)(5) of the Farm Credit Act of 1971 (12 U.S.C. 2202a(a)(5)) is amended—

(1) by striking “(5) LOAN.—The” and inserting the following:

“(5) LOAN.—

“(A) IN GENERAL.—Subject to subparagraph (B), the”;

and

(2) by adding at the end the following:

“(B) EXCLUSION FOR LOANS DESIGNATED FOR SALE INTO SECONDARY MARKET.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term “loan” does not include a loan made on or after the date of enactment of this subparagraph that is designated, at the time the loan is made, for sale into a secondary market.

“(ii) UNSOLD LOANS.—

“(I) IN GENERAL.—Except as provided in subclause (II), if a loan designated for sale under clause (i) is not sold into a secondary market during the 180-day period that begins on the date
of the designation, the provisions of this section and sections 4.14, 4.14B, 4.14C, 4.14D, and 4.36 that would otherwise apply to the loan in the absence of the exclusion described in clause (i) shall become effective with respect to the loan.

(II) LATER SALE.—If a loan described in subclause (I) is sold into a secondary market after the end of the 180-day period described in subclause (I), subclause (I) shall not apply with respect to the loan beginning on the date of the sale.

(b) BORROWERS' RIGHTS FOR POOLED LOANS.—The first sentence of section 8.9(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–9(b)) is amended by inserting “(as defined in section 4.14A(a)(5))” after “application for a loan”.

SEC. 209. FORMATION OF ADMINISTRATIVE SERVICE ENTITIES.

Part E of title IV of the Farm Credit Act of 1971 is amended by inserting after section 4.28 (12 U.S.C. 2214) the following:

``SEC. 4.28A. DEFINITION OF BANK.

“In this part, the term ‘bank’ includes each association operating under title II.”.’’.

SEC. 210. JOINT MANAGEMENT AGREEMENTS.

The first sentence of section 5.17(a)(2)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)(A)) is amended by striking “or management agreements”.

SEC. 211. DISSEMINATION OF QUARTERLY REPORTS.

Section 5.17(a)(8) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(8)) is amended by inserting after “except that” the following: “the requirements of the Farm Credit Administration governing the dissemination to stockholders of quarterly reports of System institutions may not be more burdensome or costly than the requirements applicable to national banks, and”.

SEC. 212. REGULATORY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the Farm Credit Administration, in the role of the Administration as an arms-length safety and soundness regulator, has made considerable progress in reducing the regulatory burden on Farm Credit System institutions;

(2) the efforts of the Farm Credit Administration described in paragraph (1) have resulted in cost savings for Farm Credit System institutions; and

(3) the cost savings described in paragraph (2) ultimately benefit the farmers, ranchers, agricultural cooperatives, and rural residents of the United States.

(b) CONTINUATION OF REGULATORY REVIEW.—The Farm Credit Administration shall continue the comprehensive review of regulations governing the Farm Credit System to identify and eliminate, consistent with law, safety, and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on law.

SEC. 213. EXAMINATION OF FARM CREDIT SYSTEM INSTITUTIONS.

The first sentence of section 5.19(a) of the Farm Credit Act of 1971 (12 U.S.C. 2254(a)) is amended by striking “each year” and inserting “during each 18-month period”.

SEC. 214. CONSERVATORSHIPS AND RECEIVERSHIPS.

(a) DEFINITIONS.—Section 5.51 of the Farm Credit Act of 1971 (12 U.S.C. 2277a) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).
(b) **General Corporate Powers.**—Section 5.58 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-7) is amended by striking paragraph (9) and inserting the following:

"(9) CONSERVATOR OR RECEIVER.—The Corporation may act as a conservator or receiver."

**SEC. 215. FARM CREDIT INSURANCE FUND OPERATIONS.**

(a) **Adjustment of Premiums.**—

(1) In general.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(A) in paragraph (1), by striking “Until the aggregate of amounts in the Farm Credit Insurance Fund exceeds the secure base amount, the annual premium due from any insured System bank for any calendar year” and inserting the following: “If at the end of any calendar year the aggregate of amounts in the Farm Credit Insurance Fund does not exceed the secure base amount, subject to paragraph (2), the annual premium due from any insured System bank for the calendar year”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) **Reduced Premiums.**—The Corporation, in the sole discretion of the Corporation, may reduce by a percentage uniformly applied to all insured System banks the annual premium due from each insured System bank during any calendar year, as determined under paragraph (1).”.

(2) **Conforming amendments.**—

(A) Section 5.55(b) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(b)) is amended—

(i) by striking “Insurance Fund” each place it appears and inserting “Farm Credit Insurance Fund”;

(ii) by striking “for the following calendar year”;

and

(iii) by striking “subsection (a)” and inserting “subsection (a)(1)”.

(B) Section 5.56(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5(a)) is amended by striking “section 5.55(a)(2)” each place it appears in paragraphs (2) and (3) and inserting “section 5.55(a)(3)”.

(C) Section 1.12(b) (12 U.S.C. 2020(b)) is amended—

(i) in paragraph (1), by inserting “(as defined in section 5.55(a)(3))” after “government-guaranteed loans”;

and

(ii) in paragraph (3), by inserting “(as so defined)” after “government-guaranteed loans” each place such term appears.

(b) **Allocation to Insured System Banks and Other System Institutions of Excess Amounts in the Farm Credit Insurance Fund.**—Section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4) is amended by adding at the end the following:

“(e) **Allocation to System Institutions of Excess Reserves.**—

“(1) **Establishment of Allocated Insurance Reserves Accounts.**—There is hereby established in the Farm Credit Insurance Fund an Allocated Insurance Reserves Account—

“(A) for each insured System bank; and

“(B) subject to paragraph (6)(C), for all holders, in the aggregate, of Financial Assistance Corporation stock.

“(2) **Treatment.**—Amounts in any Allocated Insurance Reserves Account shall be considered to be part of the Farm Credit Insurance Fund.

“(3) **Annual Allocations.**—If, at the end of any calendar year, the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the average secure base amount for the
calendar year (as calculated on an average daily balance basis),
the Corporation shall allocate to the Allocated Insurance
Reserves Accounts the excess amount less the amount that
the Corporation, in its sole discretion, determines to be the
sum of the estimated operating expenses and estimated insur-
ance obligations of the Corporation for the immediately succeed-
ing calendar year.

“(4) ALLOCATION FORMULA.—From the total amount
required to be allocated at the end of a calendar year under
paragraph (3)—

“(A) 10 percent of the total amount shall be credited
to the Allocated Insurance Reserves Account established
under paragraph (1)(B), subject to paragraph (6)(C); and

“(B) there shall be credited to the Allocated Insurance
Reserves Account of each insured System bank an amount
that bears the same ratio to the total amount (less any
amount credited under subparagraph (A)) as the average
principal outstanding for the 3-year period ending on the
end of the calendar year on loans made by the bank that
are in accrual status bears to the average principal
outstanding for the 3-year period ending on the end of
the calendar year on loans made by all insured System
banks that are in accrual status (excluding, in each case, the
guaranteed portions of government-guaranteed loans
described in subsection (a)(1)(C)).

“(5) USE OF FUNDS IN ALLOCATED INSURANCE RESERVES
ACCOUNTS.—To the extent that the sum of the operating
expenses of the Corporation and the insurance obligations
of the Corporation for a calendar year exceeds the sum of operat-
ing expenses and insurance obligations determined under para-
graph (3) for the calendar year, the Corporation shall cover
the expenses and obligations by—

“(A) reducing each Allocated Insurance Reserves
Account by the same proportion; and

“(B) expending the amounts obtained under subpara-
graph (A) before expending other amounts in the Fund.

“(6) OTHER DISPOSITION OF ACCOUNT FUNDS.—

“(A) IN GENERAL.—As soon as practicable during each
calendar year beginning more than 8 years after the date
on which the aggregate of the amounts in the Farm Credit
Insurance Fund exceeds the secure base amount, but not
earlier than January 1, 2005, the Corporation may—

“(i) subject to subparagraphs (D) and (F), pay to
each insured System bank, in a manner determined
by the Corporation, an amount equal to the lesser
of—

“(I) 20 percent of the balance in the insured
System bank’s Allocated Insurance Reserves
Account as of the preceding December 31; or

“(II) 20 percent of the balance in the bank’s
Allocated Insurance Reserves Account on the date
of the payment; and

“(ii) subject to subparagraphs (C), (E), and (F), pay to
each System bank and association holding
Financial Assistance Corporation stock a proportionate
share, determined by dividing the number of shares of
Financial Assistance Corporation stock held by the
institution by the total number of shares of Financial
Assistance Corporation stock outstanding, of the lesser
of—

“(I) 20 percent of the balance in the Allocated
Insurance Reserves Account established under
paragraph (1)(B) as of the preceding December
31; or
“(II) 20 percent of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B) on the date of the payment.

“(B) AUTHORITY TO ELIMINATE OR REDUCE PAYMENTS.—The Corporation may eliminate or reduce payments during a calendar year under subparagraph (A) if the Corporation determines, in its sole discretion, that the payments, or other circumstances that might require use of the Farm Credit Insurance Fund, could cause the amount in the Farm Credit Insurance Fund during the calendar year to be less than the secure base amount.

“(C) REIMBURSEMENT FOR FINANCIAL ASSISTANCE CORPORATION STOCK.—

“(i) SUFFICIENT FUNDING.—Notwithstanding paragraph (4)(A), on provision by the Corporation for the accumulation in the Account established under paragraph (1)(B) of funds in an amount equal to $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)), the Corporation shall not allocate any further funds to the Account except to replenish the Account if funds are diminished below $56,000,000 by the Corporation under paragraph (5).

“(ii) WIND DOWN AND TERMINATION.—

“(I) FINAL DISBURSEMENTS.—On disbursement of $53,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall disburse the remaining amounts in the Account, as determined under subparagraph (A)(ii), without regard to the percentage limitations in subclauses (I) and (II) of subparagraph (A)(ii).

“(II) TERMINATION OF ACCOUNT.—On disbursement of $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall close the Account established under paragraph (1)(B) and transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.

“(D) DISTRIBUTION OF PAYMENTS RECEIVED.—Not later than 60 days after receipt of a payment made under subparagraph (A)(i), each insured System bank, in consultation with affiliated associations of the insured System bank, and taking into account the direct or indirect payment of insurance premiums by the associations, shall develop and implement an equitable plan to distribute payments received under subparagraph (A)(i) among the bank and associations of the bank.

“(E) EXCEPTION FOR PREVIOUSLY REIMBURSED ASSOCIATIONS.—For purposes of subparagraph (A)(ii), in any Farm Credit district in which the funding bank has reimbursed 1 or more affiliated associations of the bank for the previously unreimbursed portion of the Financial Assistance Corporation stock held by the associations, the funding bank shall be deemed to be the holder of the shares of Financial Assistance Corporation stock for which the funding bank has provided the reimbursement.

“(F) INITIAL PAYMENT.—Notwithstanding subparagraph (A), the initial payment made to each payee under subparagraph (A) shall be in such amount determined by the Corporation to be equal to the sum of—

“(i) the total of the amounts that would have been paid if payments under subparagraph (A) had been
authorized to begin, under the same terms and conditions, in the first calendar year beginning more than 5 years after the date on which the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the secure base amount, and to continue through the 2 immediately subsequent years:

“(ii) interest earned on any amounts that would have been paid as described in clause (i) from the date on which the payments would have been paid as described in clause (i); and

“(iii) the payment to be made in the initial year described in subparagraph (A), based on the amount in each Account after subtracting the amounts to be paid under clauses (i) and (ii).”.

(c) Technical Amendments.—Section 5.55(d) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “subsections (a) and (c)” and inserting “subsections (a), (c), and (e)”;

(B) by striking “a Farm Credit Bank” and inserting “an insured System bank”; and

(2) in paragraphs (1), (2), and (3), by striking “Farm Credit Bank” each place it appears and inserting “insured System bank”.

SEC. 216. EXAMINATIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

Section 5.59(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-8(b)(1)(A)) is amended by adding at the end the following: “Notwithstanding any other provision of this Act, on cancellation of the charter of a System institution, the Corporation shall have authority to examine the system institution in receivership. An examination shall be performed at such intervals as the Corporation shall determine.”.

SEC. 217. POWERS WITH RESPECT TO TROUBLED INSURED SYSTEM BANKS.

(a) Least-Cost Resolution.—Section 5.61(a)(3) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-10(a)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (F); and

(2) by striking subparagraph (A) and inserting the following:

“(A) Least-Cost Resolution.—Assistance may not be provided to an insured System bank under this subsection unless the means of providing the assistance is the least costly means of providing the assistance by the Farm Credit Insurance Fund of all possible alternatives available to the Corporation, including liquidation of the bank (including paying the insured obligations issued on behalf of the bank). Before making a least-cost determination under this subparagraph, the Corporation shall accord such other insured System banks as the Corporation determines to be appropriate the opportunity to submit information relating to the determination.

“(B) Determining Least Costly Approach.—In determining the least costly alternative under subparagraph (A), the Corporation shall—

“(i) evaluate alternatives on a present-value basis, using a reasonable discount rate;

“(ii) document the evaluation and the assumptions on which the evaluation is based; and

“(iii) retain the documentation for not less than 5 years.

“(C) Time of Determination.—
(i) General rule.—For purposes of this subsection, the determination of the costs of providing any assistance under any provision of this section with respect to any insured System bank shall be made as of the date on which the Corporation makes the determination to provide the assistance to the institution under this section.

(ii) Rule for liquidations.—For purposes of this subsection, the determination of the costs of liquidation of any insured System bank shall be made as of the earliest of—

(I) the date on which a conservator is appointed for the insured System bank;

(II) the date on which a receiver is appointed for the insured System bank; or

(III) the date on which the Corporation makes any determination to provide any assistance under this section with respect to the insured System bank.

(D) Rule for stand-alone assistance.—Before providing any assistance under paragraph (1), the Corporation shall evaluate the adequacy of managerial resources of the insured System bank. The continued service of any director or senior ranking officer who serves in a policy-making role for the assisted insured System bank, as determined by the Corporation, shall be subject to approval by the Corporation as a condition of assistance.

(E) Discretionary determinations.—Any determination that the Corporation makes under this paragraph shall be in the sole discretion of the Corporation.

(b) Conforming Amendments.—Section 5.61(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-10(a)) is amended—

(1) in paragraph (1) by striking "In General.—" and inserting "STAND-ALONE ASSISTANCE.—"; and

(2) in paragraph (2)—

(A) by striking "Enumerated Powers.—" and inserting "Facilitation of Mergers or Consolidation.—"; and

(B) in subparagraph (A) by striking "Facilitation of Mergers or Consolidation.—" and inserting "In General.—".

SEC. 218. OVERSIGHT AND REGULATORY ACTIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

The Farm Credit Act of 1971 is amended by inserting after section 5.61 (12 U.S.C. 2279a-10) the following:

"SEC. 5.61A. OVERSIGHT ACTIONS BY THE CORPORATION.

(a) Definitions.—In this section, the term ‘institution’ means—

(1) an insured System bank; and

(2) a production credit association or other association making loans under section 7.6 with a direct loan payable to the funding bank of the association that comprises 20 percent or more of the funding bank’s total loan volume net of non-accrual loans.

(b) Consultation Regarding Participation of Undercapitalized Banks in Issuance of Insured Obligations.—The Farm Credit Administration shall consult with the Corporation prior to approving an insured obligation that is to be issued by or on behalf of, or participated in by, any insured System bank that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration for the bank.

(c) Consultation Regarding Applications for Mergers and Restructurings.—
“(1) Corporation to receive copy of transaction applications.—On receiving an application for a merger or restructuring of an institution, the Farm Credit Administration shall forward a copy of the application to the Corporation.

“(2) Consultation required.—If the proposed merger or restructuring involves an institution that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration applicable to the institution, the Farm Credit Administration shall allow 30 days within which the Corporation may submit the views and recommendations of the Corporation, including any conditions for approval. In determining whether to approve or disapprove any proposed merger or restructuring, the Farm Credit Administration shall give due consideration to the views and recommendations of the Corporation.

“SEC. 5.61B. AUTHORITY TO REGULATE GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS.

“(a) Definitions.—In this section:

“(1) Golden parachute payment.—The term `golden parachute payment'—

“(A) means a payment (or any agreement to make a payment) in the nature of compensation for the benefit of any institution-related party under an obligation of any Farm Credit System institution that—

“(i) is contingent on the termination of the party's relationship with the institution; and

“(ii) is received on or after the date on which—

“(I) the institution is insolvent;

“(II) a conservator or receiver is appointed for the institution;

“(III) the institution has been assigned by the Farm Credit Administration a composite CAMEL rating of 4 or 5 under the Farm Credit Administration Rating System, or an equivalent rating; or

“(IV) the Corporation otherwise determines that the institution is in a troubled condition (as defined in regulations issued by the Corporation); and

“(B) includes a payment that would be a golden parachute payment but for the fact that the payment was made before the date referred to in subparagraph (A)(ii) if the payment was made in contemplation of the occurrence of an event described in any subclause of subparagraph (A); but

“(C) does not include—

“(i) a payment made under a retirement plan that is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986 or other nondiscriminatory benefit plan;

“(ii) a payment made under a bona fide supplemental executive retirement plan, deferred compensation plan, or other arrangement that the Corporation determines, by regulation or order, to be permissible; or

“(iii) a payment made by reason of the death or disability of an institution-related party.

“(2) Indemnification payment.—The term ‘indemnification payment' means a payment (or any agreement to make a payment) by any Farm Credit System institution for the benefit of any person who is or was an institution-related party, to pay or reimburse the person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Farm Credit Administration that results in a final order under which the person—
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“(A) is assessed a civil money penalty; or
“(B) is removed or prohibited from participating in the conduct of the affairs of the institution.
“(3) INSTITUTION-RELATED PARTY.—The term ‘institution-related party’ means—
“(A) a director, officer, employee, or agent for a Farm Credit System institution or any conservator or receiver of such an institution;
“(B) a stockholder (other than another Farm Credit System institution), consultant, joint venture partner, or any other person determined by the Farm Credit Administration to be a participant in the conduct of the affairs of a Farm Credit System institution; and
“(C) an independent contractor (including any attorney, appraiser, or accountant) that knowingly or recklessly participates in any violation of any law or regulation, any breach of fiduciary duty, or any unsafe or unsound practice that caused or is likely to cause more than a minimal financial loss to, or a significant adverse effect on, the Farm Credit System institution.
“(4) LIABILITY OR LEGAL EXPENSE.—The term ‘liability or legal expense’ means—
“(A) a legal or other professional expense incurred in connection with any claim, proceeding, or action;
“(B) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and
“(C) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.
“(5) PAYMENT.—The term ‘payment’ means—
“(A) a direct or indirect transfer of any funds or any asset; and
“(B) any segregation of any funds or assets for the purpose of making, or under an agreement to make, any payment after the date on which the funds or assets are segregated, without regard to whether the obligation to make the payment is contingent on—
“(i) the determination, after that date, of the liability for the payment of the amount; or
“(ii) the liquidation, after that date, of the amount of the payment.
“(b) PROHIBITION.—The Corporation may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment by a Farm Credit System institution (including any conservator or receiver of the Federal Agricultural Mortgage Corporation) in troubled condition (as defined in regulations issued by the Corporation).
“(c) FACTORS TO BE TAKEN INTO ACCOUNT.—The Corporation shall prescribe, by regulation, the factors to be considered by the Corporation in taking any action under subsection (b). The factors may include—
“(1) whether there is a reasonable basis to believe that an institution-related party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the Farm Credit System institution involved that has had a material effect on the financial condition of the institution;
“(2) whether there is a reasonable basis to believe that the institution-related party is substantially responsible for the insolvency of the Farm Credit System institution, the appointment of a conservator or receiver for the institution, or the institution’s troubled condition (as defined in regulations prescribed by the Corporation);
“(3) whether there is a reasonable basis to believe that the institution-related party has materially violated any applicable law or regulation that has had a material effect on the financial condition of the institution;

“(4) whether there is a reasonable basis to believe that the institution-related party has violated or conspired to violate—

“(A) section 215, 657, 1006, 1014, or 1344 of title 18, United States Code; or

“(B) section 1341 or 1343 of title 18, United States Code, affecting a Farm Credit System institution;

“(5) whether the institution-related party was in a position of managerial or fiduciary responsibility; and

“(6) the length of time that the party was related to the Farm Credit System institution and the degree to which—

“(A) the payment reasonably reflects compensation earned over the period of employment; and

“(B) the compensation represents a reasonable payment for services rendered.

“(d) CERTAIN PAYMENTS PROHIBITED.—No Farm Credit System institution may prepay the salary or any liability or legal expense of any institution-related party if the payment is made—

“(1) in contemplation of the insolvency of the institution or after the commission of an act of insolvency; and

“(2) with a view to, or with the result of—

“(A) preventing the proper application of the assets of the institution to creditors; or

“(B) preferring 1 creditor over another creditor.

“(e) RULE OF CONSTRUCTION.—Nothing in this section—

“(1) prohibits any Farm Credit System institution from purchasing any commercial insurance policy or fidelity bond, so long as the insurance policy or bond does not cover any legal or liability expense of an institution described in subsection (a)(2); or

“(2) limits the powers, functions, or responsibilities of the Farm Credit Administration.”.

SEC. 219. FARM CREDIT SYSTEM INSURANCE CORPORATION BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 5.53 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–2) is amended to read as follows:

“SEC. 5.53. BOARD OF DIRECTORS.

“(a) ESTABLISHMENT.—The Corporation shall be managed by a Board of Directors that shall consist of the members of the Farm Credit Administration Board.

“(b) CHAIRMAN.—The Board of Directors shall be chaired by any Board member other than the Chairman of the Farm Credit Administration Board.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking “Chairperson, Board of Directors of the Farm Credit System Insurance Corporation.”.

(2) Section 5315 of title 5, United States Code, is amended by striking “Members, Board of Directors of the Farm Credit System Insurance Corporation.”.

SEC. 220. INTEREST RATE REDUCTION PROGRAM.

Section 351(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(a) by striking “SEC. 351. (a) The” and inserting the following:

“SEC. 351. INTEREST RATE REDUCTION PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The”; and

(b) by adding at the end the following:
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“(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection shall terminate on September 30, 2002.”.

SEC. 221. LIABILITY FOR MAKING CRIMINAL REFERRALS.

(a) IN GENERAL.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, that discloses to a Government authority information proffered in good faith that may be relevant to a possible violation of any law or regulation shall not be liable to any person under any law of the United States or any State—

(1) for the disclosure; or

(2) for any failure to notify the person involved in the possible violation.

(b) NO PROHIBITION ON DISCLOSURE.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, may disclose information to a Government authority that may be relevant to a possible violation of any law or regulation.

TITLE III—IMPLEMENTATION AND EFFECTIVE DATE

SEC. 301. IMPLEMENTATION.

The Secretary of Agriculture and the Farm Credit Administration shall promulgate regulations and take other required actions to implement the provisions of this Act not later than 90 days after the effective date of this Act.

SEC. 302. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment.

Approved February 10, 1996.

LEGISLATIVE HISTORY—H.R. 2029:

HOUSE REPORTS: No. 104–421 (Comm. on Agriculture).
CONGRESSIONAL RECORD:

Dec. 21, considered and passed Senate, amended.
Jan. 26, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Regulations.
12 USC 2013 note.
12 USC 2001 note.
COMMERCE ACTS

PUBLIC LAW 104-43—NOV. 3, 1995

Public Law 104-43
104th Congress

An Act

To amend the Fishermen's Protective Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The Table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHING COMPLIANCE

Sec. 101. Short title.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Permitting.
Sec. 105. Responsibilities of the Secretary.
Sec. 106. Unlawful activities.
Sec. 107. Enforcement provisions.
Sec. 108. Civil penalties and permit sanctions.
Sec. 109. Criminal offenses.
Sec. 110. Forfeitures.
Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Sec. 201. Short title.
Sec. 203. Requests for scientific advice.
Sec. 204. Authorities of Secretary of State with respect to convention.
Sec. 205. Interagency cooperation.
Sec. 206. Rulemaking.
Sec. 207. Prohibited acts and penalties.
Sec. 208. Consultative committee.
Sec. 209. Administrative matters.
Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

Sec. 301. Short title.
Sec. 302. Research and monitoring activities.
Sec. 303. Definitions.
Sec. 304. Advisory committee procedures.
Sec. 305. Regulations and enforcement of Convention.
Sec. 306. Fines and permit sanctions.
Sec. 307. Authorization of appropriations.
Sec. 308. Report and savings clause.
Sec. 309. Management and Atlantic yellowfin tuna.
Sec. 310. Study of bluefin tuna regulations.
Sec. 311. Sense of the Congress with respect to ICCAT negotiations.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

Sec. 401. Findings.
Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
Sec. 403. Reauthorization.
Sec. 404. Technical corrections.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

Sec. 501. Short title.
Sec. 502. Fishing prohibition.

TITLE VI—DRIFTNET MORATORIUM

Sec. 601. Short title.
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COMMERCIAL ACT

Sec. 602. Findings.
Sec. 603. Prohibition.
Sec. 604. Negotiations.
Sec. 605. Certification.
Sec. 606. Enforcement.

TITLE VII—YUKON RIVER SALMON ACT

Sec. 701. Short title.
Sec. 702. Purposes.
Sec. 703. Definitions.
Sec. 704. Panel.
Sec. 705. Advisory committee.
Sec. 706. Exemption.
Sec. 707. Authority and responsibility.
Sec. 708. Continuation of agreement.
Sec. 709. Administrative matters.
Sec. 710. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 801. South Pacific tuna amendment.
Sec. 802. Foreign fishing for Atlantic herring and Atlantic mackerel.

TITLE I—HIGH SEAS FISHING COMPLIANCE

SEC. 101. SHORT TITLE.
This title may be cited as the "High Seas Fishing Compliance Act of 1995".

SEC. 102. PURPOSE.
It is the purpose of this Act—
(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and
(2) to establish a system of permitting, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.
As used in this Act—
(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.
(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.
(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use—
(A) on the high seas;
(B) for the purpose of the commercial exploitation of living marine resources; and
(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.
(5) The term "international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or subregional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.
The term “length” means—
(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater; except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and
(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel’s documentation.
(7) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.
(8) The term “Secretary” means the Secretary of Commerce.
(9) The term “vessel of the United States” means—
(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;
(B) a vessel owned in whole or part by—
(i) the United States or a territory, commonwealth, or possession of the United States;
(ii) a State or political subdivision thereof;
(iii) a citizen or national of the United States; or
(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and
(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.
(10) The terms “vessel subject to the jurisdiction of the United States” and “vessel without nationality” have the same meaning as in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. 1903(c)).

SEC. 104. PERMITTING.

(a) In General.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid permit issued under this section.
(b) Eligibility.—
(1) Any vessel of the United States is eligible to receive a permit under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and
(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

16 USC 5503.
(B) the foreign nation, within the last three years preceding application for a permit under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a permit would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a permit to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) Application.—

(1) The owner or operator of a high seas fishing vessel may apply for a permit under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) Conditions.—The Secretary shall establish such conditions and restrictions on each permit issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The permit holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) Fees.—

(1) The Secretary shall by regulation establish the level of fees to be charged for permits issued under this section. The amount of any fee charged for a permit issued under this section shall not exceed the administrative costs incurred in issuing such permits. The permitting fee may be in addition to any fee required under any regional permitting regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.
(f) Duration.—A permit issued under this section is valid for 5 years. A permit issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) Record.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued permits under section 104, including all information submitted under section 104(c)(2).

(b) Information to FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any permit granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the permit;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) Information to Flag Nations.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) Regulations.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of permit application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) Notice of International Conservation and Management Measures.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—
(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);
(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 104;
(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a permit issued under section 104;
(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;
(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person’s control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;
(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);
(7) to resist a lawful arrest or detention for any act prohibited by this section;
(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;
(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or permit issued under this title; or
(10) to violate any provision of this title or any regulation or permit issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or permit issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—
   (A) with or without a warrant or other process—
      (i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;
(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or permit issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or permit issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND PERMIT SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) PERMIT SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;
(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a permit sanction is imposed under subsection (b) (other than a permit
suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) Collection.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) Offenses.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) Punishment.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) In General.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Jurisdiction of District Courts.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) Judgment.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant
to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—
(1) the seizure, forfeiture, and condemnation of property for violation of the customs law; 
(2) the disposition of such property or the proceeds from the sale thereof; and 
(3) the remission or mitigation of any such forfeiture;
shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) Procedure.—
(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—
(A) stay the execution of such process; or
(B) discharge any living marine resources seized pursuant to such process;
upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) Rebuttable Presumption.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.
This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.
This title may be cited as the "Northwest Atlantic Fisheries Convention Act of 1995".

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.
(a) Commissioners.—
(1) Appointments, generally.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—
(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and
(B) serve at the pleasure of the Secretary.

(2) Requirements for appointments.—
(A) The Secretary shall ensure that of the individuals serving as Commissioners—
(i) at least 1 is appointed from among representatives of the commercial fishing industry;
(ii) 1 (but no more than 1) is an official of the Government; and
(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—
(A) The term of an individual appointed as a Commissioner—
(i) shall be specified by the Secretary at the time of appointment; and
(ii) may not exceed 4 years.
(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—
(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—
(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—
(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.
(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—
(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;
(B) may be reappointed; and
(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—
(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—
(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—
(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and
(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b) (1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.
SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURES.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311 (a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861 (a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—
The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;
(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and
(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;
(2) an expert or adviser authorized under section 202(e); or
(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term “authorized enforcement officer” means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term “Commissioner” means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).


(4) FISHERIES COMMISSION.—The term “Fisheries Commission” means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.
(5) General Council.—The term “General Council” means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) Magnuson Act.—The term “Magnuson Act” means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Organization.—The term “Organization” means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) Person.—The term “person” means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) Representative.—The term “Representative” means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).


(11) Secretary.—The term “Secretary” means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Atlantic Tunas Convention Authorization Act of 1995”.

SEC. 302. RESEARCH AND MONITORING ACTIVITIES.

(a) Report to Congress.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) Research and Monitoring Program.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

“SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.”;

(2) by striking the last sentence;

(3) by inserting “(a) Biennial Report on Bluefin Tuna.—” before “The Secretary of Commerce shall”; and

(4) by adding at the end the following:

“(b) Highly Migratory Species Research and Monitoring.—

“(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission
for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the `Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

``(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

``(B) provide for appropriate participation by nations which are members of the Commission.

``(2) The program shall provide for, but not be limited to—

``(A) statistically designed cooperative tagging studies;

``(B) genetic and biochemical stock analyses;

``(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

``(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

``(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

``(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

``(G) integration of data from all sources and the preparation of data bases to support management decisions; and

``(H) other research as necessary.

``(3) In developing a program under this section, the Secretary shall—

``(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

``(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards;

``(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

``(D) through the Secretary of State, encourage other member nations to adopt a similar program.”.

SEC. 303. DEFINITIONS.

Section 2 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971) is amended—

(1) by designating paragraphs (3) through (10) as (4) through (11), respectively, and inserting after paragraph (2) the following:

``(3) The term ‘conservation recommendation’ means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 5(a) of this Act.”; and

(2) by striking paragraph (5), as redesignated, and inserting the following:

``(4) The term ‘exclusive economic zone’ means an exclusive economic zone as defined in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).”;}
SEC. 304. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following:

“(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

“(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

“(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

“(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

“(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

“(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

“(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”.

SEC. 305. REGULATIONS AND ENFORCEMENT OF CONVENTION.

Section 6(c) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)) is amended—

(1) by inserting “AND OTHER MEASURES” after “REGULA-

TIONS” in the section caption;

(2) by inserting “or fishing mortality level” after “quota

of fish” in the last sentence of paragraph (3); and

(3) by inserting the following after paragraph (5):

“(6) IDENTIFICATION AND NOTIFICATION.—

“(A) Not later than July 1, 1996, and annually there-

after, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall—

“(i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;

“(ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and

“(iii) publish a list of those Nations identified under

subparagraph (A).
In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.

(7) Consultation.—Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will—

"(A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;

"(B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and

"(C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations."

SEC. 306. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

"(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act."

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

"(1) For fiscal year 1995, $4,103,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $2,890,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).

"(2) For fiscal year 1996, $5,453,000, of which $50,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities.

"(3) For fiscal year 1997, $5,465,000 of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities.

"(4) For fiscal year 1998, $5,465,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities."
§ 11. Annual report

"Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

(4) describes actions taken by the Secretary under section 6.

§ 12. Savings clause

"Nothing in this Act shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention."

SEC. 309. MANAGEMENT OF ATLANTIC YELLOWFIN TUNA.

(a) Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce in accordance with this section shall publish a preliminary determination of the level of the United States recreational and commercial catch of Atlantic yellowfin tuna on an annual basis since 1980. The Secretary shall publish a preliminary determination in the Federal Register for comment for a period not to exceed 60 days. The Secretary shall publish a final determination not later than 140 days from the date of the enactment of this section.

(b) Not later than July 1, 1996, the Secretary of Commerce shall implement the recommendations of the International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna made pursuant to Article VIII of the International Convention for the Conservation of Atlantic Tunas and acted upon favorably by the Secretary of State under section 5(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971c(a)).

SEC. 310. STUDY OF BLUEFIN TUNA REGULATIONS.

Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Commerce, Science and Transportation of the Senate and to the Committee on Resources of the House of Representatives a report on the historic rationale, effectiveness, and biological and economic efficiency of existing bluefin tuna regulations for United States Atlantic fisheries. Specifically, the biological rationale for each regional and category allocation, including directed and incidental categories, should be described in light of the average size, age, and maturity of bluefin tuna caught in each fishery and the effect of this harvest on stock rebuilding and sustainable yield. The report should examine the history and evaluate the level of wasteful discarding, and evaluate the effectiveness of non-quota regulations at constraining harvests within regions. Further, comments should be provided on levels of participation in specific fisheries in terms of vessels and trips, enforcement implications, and the importance of monitoring information provided by these allocations on the precision of the stock assessment estimates.
SEC. 311. SENSE OF THE CONGRESS WITH RESPECT TO ICCAT NEGOTIATIONS.

(a) SHARING OF CONSERVATION BURDEN.—It is the sense of the Congress that in future negotiations of the International Commission for the Conservation of Atlantic Tunas (hereafter in this section referred to as “ICCAT”), the Secretary of Commerce shall ensure that the conservation actions recommended by international commissions and implemented by the Secretary for United States commercial and recreational fishermen provide fair and equitable sharing of the conservation burden among all contracting harvesters in negotiations with those commissions.

(b) ENFORCEMENT PROVISIONS.—It is further the sense of the Congress that, during 1995 ICCAT negotiations on swordfish and other Highly Migratory Species managed by ICCAT, the Congress encourages the United States Commissioners to add enforcement provisions similar to those applicable to bluefin tuna.

(c) ENHANCED MONITORING.—It is further the sense of the Congress that the National Oceanic and Atmospheric Administration and the United States Customs Service should enhance monitoring activities to ascertain what specific stocks are being imported into the United States and the country of origin.

(d) MULTILATERAL ENFORCEMENT PROCESS.—It is further the sense of the Congress that the United States Commissioners should pursue as a priority the establishment and implementation prior to December 31, 1996, an effective multilateral process that will enable ICCAT nations to enforce the conservation recommendations of the Commission.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

SEC. 401. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the “Inside Passage” off the Pacific Coast of Canada;

(2) in 1994 Canada required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a “license which authorizes transit” through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen’s Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen’s Protective Act;

(7) the Fishermen’s Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United...
States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should continue its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 402. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"SEC. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall, subject to the availability of appropriated funds, reimburse the vessel owner for the amount of any such fee paid under protest.

"(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

"(1) a copy of the receipt for payment;

"(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

"(3) a copy of the vessel's certificate of documentation.

"(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

"(d) Such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balance of previously appropriated funds remaining in the Fishermen's
PROJECTIVE FUND established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a), which shall be deposited in the Fishermen's Protective Fund established under section 9.

"(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

"(f) For purposes of this section, the term `owner' includes any charterer of a vessel of the United States."

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

"Sec. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

"(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

"(c) For the purposes of this section, the term `fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

"(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a)."

(c) Notwithstanding any other provision of law, the Secretary of State shall reimburse the owner of any vessel of the United States for costs incurred due to the seizure of such vessel in 1994 by Canada on the basis of a claim to jurisdiction over sedentary species which was not recognized by the United States at the time of such seizure. Any such reimbursement shall cover, in addition to amounts reimbursable under section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973), travel costs incurred by the owner of any such vessel that were necessary to secure the prompt release of the vessel and crew. Total reimbursements under this subsection may not exceed $25,000 and may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Protective Fund established under section 9 of the Fishermen's Protective Act (22 U.S.C. 1979).

SEC. 403. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1993" and inserting "October 1, 2000".

SEC. 404. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103–238 is amended by striking "April 1, 1994," and inserting "May 1, 1994."

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102–567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

"(C) any vessel supporting a vessel described in subparagraph (A) or (B)."
TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 501. SHORT TITLE.
This title may be cited as the “Sea of Okhotsk Fisheries Enforcement Act of 1995”.

SEC. 502. FISHING PROHIBITION.

(b) Definition.—Section 306 of such Act is amended—
(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7), respectively; and
(2) by inserting after paragraph (1) the following:
“(2) CENTRAL SEA OF OKHOTSK.—The term ‘Central Sea of Okhotsk’ means the Central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.”.

TITLE VI—DRIFTNET MORATORIUM

SEC. 601. SHORT TITLE.
This title may be cited as the “High Seas Driftnet Fishing Moratorium Protection Act”.

SEC. 602. FINDINGS.
The Congress finds that—
(1) Congress has enacted and the President has signed into law numerous Acts to control or prohibit large-scale driftnet fishing both within the jurisdiction of the United States and beyond the exclusive economic zone of any nation, including the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (title IV, Public Law 100–220), the Driftnet Act Amendments of 1990 (Public Law 101–627), and the High Seas Driftnet Fisheries Enforcement Act (title I, Public Law 102–582);
(2) the United States is a party to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention;
(3) the General Assembly of the United Nations has adopted three resolutions and three decisions which established and reaffirm a global moratorium on large-scale driftnet fishing on the high seas, beginning with Resolution 44/225 in 1989 and most recently in Decision 48/445 in 1993;
(4) the General Assembly of the United Nations adopted these resolutions and decisions at the request of the United States and other concerned nations;
(5) the best scientific information demonstrates the wastefulness and potentially destructive impacts of large-scale driftnet fishing on living marine resources and seabirds; and
(6) Resolution 46/215 of the United Nations General Assembly calls on all nations, both individually and collectively, to prevent large-scale driftnet fishing on the high seas.

SEC. 603. PROHIBITION.
The United States, or any agency or official acting on behalf of the United States, may not enter into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the global moratorium on large-scale driftnet fishing on the high seas, as such moratorium is expressed in Resolution 46/215 of the United Nations General Assembly.
SEC. 604. NEGOTIATIONS.

The Secretary of State, on behalf of the United States, shall seek to enhance the implementation and effectiveness of the United Nations General Assembly resolutions and decisions regarding the moratorium on large-scale driftnet fishing on the high seas through appropriate international agreements and organizations.

SEC. 605. CERTIFICATION.

The Secretary of State shall determine in writing prior to the signing or provisional application by the United States of any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that the prohibition contained in section 603 will not be violated if such agreement is signed or provisionally applied.

SEC. 606. ENFORCEMENT.

The President shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.

TITLE VII—YUKON RIVER SALMON ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 1995".

SEC. 702. PURPOSES.

It is the purpose of this title—

(1) to implement the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995;

(2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and

(3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.

SEC. 703. DEFINITIONS.

As used in this title—

(1) The term “Agreement” means the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995.

(2) The term “Panel” means the Yukon River Panel established by the Agreement.


SEC. 704. PANEL.

(a) REPRESENTATION.—The United States shall be represented on the Panel by six individuals, of whom—

(1) one shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one shall be an official of the State of Alaska with expertise in salmon conservation and management; and
(3) four shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) APPOINTMENTS.—Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) shall be appointed by the Secretary of State from a list of at least 3 individuals nominated for each position by the Governor of Alaska. The Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries. The Governor of Alaska may make appropriate nominations to allow for, and the Secretary of State shall appoint, at least one member under subsection (a)(3) who is qualified to represent the interests of Lower Yukon River fishing districts, and at least one member who is qualified to represent the interests of Upper Yukon River fishing districts. At least one of the Panel members under subsection (a)(3) shall be an Alaska Native.

(c) ALTERNATES.—The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under subsections (b)(1) and (3), who meets the same qualifications, to serve in the absence of the Panel member. The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(2), who meets the same qualifications, to serve in the absence of that Panel member.

(d) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(e) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(f) DECISIONS.—Decisions by the United States section of the Panel shall be made by the consensus of the Panel members appointed under paragraphs (2) and (3) of subsection (a).

(g) CONSULTATION.—In carrying out their functions under the Agreement, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 705. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may appoint an Advisory Committee of not less than eight, but not more than twelve, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least 2 of the Advisory Committee members shall be Alaska Natives. Members of the Advisory Committee may attend all meetings of the United States section of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the United States section of the Panel.

(b) COMPENSATION.—The members of such Advisory Committee shall receive no compensation for their services.

(c) TERM LENGTH.—Advisory Committee members shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Advisory Committee members shall be eligible for reappointment.

SEC. 706. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel, the Yukon River Joint Technical Committee, or the Advisory Committee created under section 705 of this title.
SEC. 707. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of the Agreement.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with the Agreement, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, Department of Commerce, Department of State, North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 708. CONTINUATION OF AGREEMENT.

In the event that the Treaty between Canada and the United States of America concerning Pacific Salmon, signed at Ottawa, January 28, 1985, terminates prior to the termination of the Agreement and the functions of the Panel are assumed by the “Yukon River Salmon Commission” referenced in the Agreement, the provisions of this title which apply to the Panel shall thereafter apply to the Yukon River Salmon Commission, and the other provisions of this title shall remain in effect.

SEC. 709. ADMINISTRATIVE MATTERS.

(a) Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) Travel and other necessary expenses shall be paid for all Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee when engaged in the actual performance of duties.

(c) Except for officials of the United States Government, individuals described in subsection (b) shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 710. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for each fiscal year for carrying out the purposes and provisions of the Agreement and this title including—

(1) necessary travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) the United States share of the joint expenses of the Panel and the Joint Technical Committee: Provided, That Panel members and alternate Panel members shall not, with respect to commitments concerning the United States share of the joint expenses, be subject to section 262(b) of title 22, United States Code, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments;

(3) not more than $3,000,000 for each fiscal year to the Department of the Interior and to the Department of Commerce for survey, restoration, and enhancement activities related to Yukon River salmon; and
(4) $400,000 in each of fiscal years 1996, 1997, 1998, and 1999 to be contributed to the Yukon River Restoration and Enhancement Fund and used in accordance with the Agreement.

TITLE VIII—MISCELLANEOUS

SEC. 801. SOUTH PACIFIC TUNA AMENDMENT.

Section 9 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973g) is amended by adding at the end thereof the following:

“(h) Notwithstanding the requirements of—

“(1) section 1 of the Act of August 26, 1983 (97 Stat. 587; 46 U.S.C. 12108);

“(2) the general permit issued on December 1, 1980, to the American Tunaboat Association under section 104(h)(1) of the Marine Mammal Protection Act (16 U.S.C. 1374(h)(1)); and

“(3) sections 104(h)(2) and 306(a) of the Marine Mammal Protection Act (16 U.S.C. 1374(h)(2) and 1416(a))—

any vessel documented under the laws of the United States as of the date of enactment of the Fisheries Act of 1995 for which a license has been issued under subsection (a) may fish for tuna in the Treaty Area, including those waters subject to the jurisdiction of the United States in accordance with international law, subject to the provisions of the treaty and this Act, provided that no such vessel fishing in the Treaty Area intentionally deploys a purse seine net to encircle any dolphin or other marine mammal in the course of fishing under the provisions of the Treaty or this Act.”.

SEC. 802. FOREIGN FISHING FOR ATLANTIC HERRING AND ATLANTIC MACKEREL.

Notwithstanding any other provision of law—

(1) no allocation may be made to any foreign nation or vessel under section 201 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in any fishery for which there is not a fishery management plan implemented in accordance with that Act; and

(2) the Secretary of Commerce may not approve the portion of any permit application submitted under section 204(b) of the Act which proposes fishing by a foreign vessel for Atlantic mackerel or Atlantic herring unless—

(A) the appropriate regional fishery management council recommends under section 204(b)(5) of that Act that the Secretary approve such fishing, and

(B) the Secretary of Commerce includes in the permit any conditions or restrictions recommended by the appropriate regional fishery management council with respect to such fishing.


LEGISLATIVE HISTORY—H.R. 716 (S. 267):

HOUSE REPORTS: No. 104–47 (Comm. on Resources).
Apr. 3, considered and passed House.
June 30, considered and passed Senate, amended, in lieu of S. 267.
Oct. 25, House concurred in Senate amendment.
Nov. 3, Presidential statement.
An Act
To extend and reauthorize the Defense Production Act of 1950, and for other purposes.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Defense Production Act Amendments of 1995”.

SEC. 2. EXTENSION OF PROGRAMS.
Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended in the first sentence by striking “Title I (except section 104), title III, and title VII (except sections 708, 714, 719, and 721) of this Act, and all authority conferred thereunder shall terminate at the close of September 30, 1995” and inserting “Title I (except section 104), title III, and title VII (except sections 708 and 721), and all authority conferred thereunder shall terminate at the close of September 30, 1998”.

SEC. 3. AUTHORIZING APPROPRIATIONS FOR TITLE III PROJECTS.
Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—
(1) in subsection (a), by striking “(a) AUTHORIZATION.—” and all that follows through “subsection (c),” and inserting “(a) AUTHORIZATION.—Except as provided in subsection (b),”; and
(2) by striking subsections (b), (c), and (d) and inserting after subsection (a) the following new subsection:
“(b) TITLE III AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1996, 1997, and 1998, such sums as may be necessary to carry out title III.”.

SEC. 4. REPORTS TO THE CONGRESS.
(a) IN GENERAL.—The President shall prepare and transmit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate an interim report and a final report on proposed legislative modernization of the authorities contained in the Defense Production Act of 1950.
(b) TIMING.—The President shall so transmit—
(1) the interim report required by subsection (a), not later than January 31, 1997; and
(2) the final report required by subsection (a), not later than September 30, 1997.

Approved December 18, 1995.

LEGISLATIVE HISTORY—H.R. 2204 (S. 1147):
SENATE REPORTS: No. 104–134 accompanying S. 1147 (Comm. on Banking, Housing, and Urban Affairs).
Sept. 28, S. 1147 considered and passed Senate.
Nov. 13, H.R. 2204 considered and passed House.
Dec. 5, considered and passed Senate.
PUBLIC LAW 104–93—JAN. 6, 1996

PUBLIC LAW 104–93
104th Congress

An Act

To authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 1996”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Application of sanctions laws to intelligence activities.
Sec. 304. Thrift savings plan forfeiture.
Sec. 305. Authority to restore spousal pension benefits to spouses who cooperate in criminal investigations and prosecutions for national security offenses.
Sec. 306. Secrecy agreements used in intelligence activities.
Sec. 307. Limitation on availability of funds for automatic declassification of records over 25 years old.
Sec. 308. Amendment to the Hatch Act Reform Amendments of 1993.
Sec. 309. Report on personnel policies.
Sec. 310. Assistance to foreign countries.
Sec. 311. Financial management of the National Reconnaissance Office.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Extension of the CIA Voluntary Separation Pay Act.
Sec. 402. Volunteer service program.
Sec. 403. Authorities of the Inspector General of the Central Intelligence Agency.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Defense intelligence senior level positions.
Sec. 502. Comparable benefits and allowances for civilian and military personnel assigned to defense intelligence functions overseas.
Sec. 503. Extension of authority to conduct intelligence commercial activities.
Sec. 504. Availability of funds for Tier II UAV.
Sec. 505. Military Department Civilian Intelligence Personnel Management System.
Sec. 506. Enhancement of capabilities of certain Army facilities.

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

Sec. 601. Disclosure of information and consumer reports to FBI for counterintelligence purposes.

TITLE VII—TECHNICAL AMENDMENTS

Sec. 701. Clarification with respect to pay for Director or Deputy Director of Central Intelligence appointed from commissioned officers of the Armed Forces.

Note: Enacted during second session of 104th Congress.
TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 1996 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.
(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1996, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 1655 of the One Hundred Fourth Congress.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.
(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1996 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) Notice to Intelligence Committees.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.
(a) Authorization of Appropriations.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1996 the sum of $90,713,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1997.
(b) Authorized Personnel Levels.—The Community Management Staff of the Director of Central Intelligence is authorized 247 full-time personnel as of September 30, 1996. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) Reimbursement.—During fiscal year 1996, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM


There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1996 the sum of $213,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. Increase in Employee Compensation and Benefits Authorized by Law.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. Restriction on Conduct of Intelligence Activities.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. Application of Sanctions Laws to Intelligence Activities.

(a) General Provisions.—The National Security Act of 1947 (50 U.S.C. 401 et seq.), is amended by adding at the end thereof the following new title:

Reports.

"TITLE IX—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

"STAY OF SANCTIONS

50 USC 441.

"Sec. 901. Notwithstanding any provision of law identified in section 904, the President may stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government concerning a foreign country, organization, or person when the President determines and reports to Congress in accordance with section 903 that to proceed without delay would seriously risk the compromise of an ongoing criminal investigation directly related to the activities giving rise to the sanction or an intelligence source or method directly related to the activities giving rise to the sanction. Any such stay shall be effective for a period of time specified by the President, which period may not exceed 120 days, unless such period is extended in accordance with section 902."
EXTENSION OF STAY

“SEC. 902. Whenever the President determines and reports to Congress in accordance with section 903 that a stay of sanctions or related actions pursuant to section 901 has not afforded sufficient time to obviate the risk to an ongoing criminal investigation or to an intelligence source or method that gave rise to the stay, he may extend such stay for a period of time specified by the President, which period may not exceed 120 days. The authority of this section may be used to extend the period of a stay pursuant to section 901 for successive periods of not more than 120 days each.

REPORTS

“SEC. 903. Reports to Congress pursuant to sections 901 and 902 shall be submitted promptly upon determinations under this title. Such reports shall be submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate. With respect to determinations relating to intelligence sources and methods, reports shall also be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. With respect to determinations relating to ongoing criminal investigations, reports shall also be submitted to the Committees on the Judiciary of the House of Representatives and the Senate.

LAWS SUBJECT TO STAY

“SEC. 904. The President may use the authority of sections 901 and 902 to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government related to the proliferation of weapons of mass destruction, their delivery systems, or advanced conventional weapons otherwise required to be imposed by the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182); the Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236); title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) (relating to the nonproliferation of missile technology); the Iran–Iraq Arms Nonproliferation Act of 1992 (title XVI of Public Law 102–484); section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994 (Public Law 103–87); section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995 (Public Law 103–306); and comparable provisions.

APPLICATION

“SEC. 905. This title shall cease to be effective on the date which is one year after the date of the enactment of this title.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end thereof the following:

“TITLE IX—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

“Sec. 901. Stay of sanctions.
“Sec. 902. Extension of stay.
“Sec. 903. Reports.
“Sec. 904. Laws subject to stay.
“Sec. 905. Application.”.

SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.

(a) IN GENERAL.—Section 8432(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(5) Notwithstanding any other provision of law, contributions made by the Government for the benefit of an employee or Member under subsection (c), and all earnings attributable to such contributions, shall be forfeited if the annuity of the employee or Member,
or that of a survivor or beneficiary, is forfeited under subchapter II of chapter 83.’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to offenses upon which the requisite annuity forfeitures are based occurring on or after the date of the enactment of this Act.

SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BENEFITS TO SPOUSES WHO COOPERATE IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS FOR NATIONAL SECURITY OFFENSES.

Section 8318 of title 5, United States Code, is amended by adding at the end the following:

“(e) The spouse of an individual whose annuity or retired pay is forfeited under section 8312 or 8313 after the date of enactment of this subsection shall be eligible for spousal pension benefits if the Attorney General of the United States determines that the spouse fully cooperated with Federal authorities in the conduct of a criminal investigation and subsequent prosecution of the individual which resulted in such forfeiture.”.

SEC. 306. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.

Notwithstanding any other provision of law not specifically referencing this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum—

(1) require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government; and

(2) provide that the form or agreement does not bar—

(A) disclosures to Congress; or

(B) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

SEC. 307. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTOMATIC DECLASSIFICATION OF RECORDS OVER 25 YEARS OLD.

(a) IN GENERAL.—The Director of Central Intelligence shall use no more than $25,000,000 of the amounts authorized to be appropriated for fiscal year 1996 by this Act for the National Foreign Intelligence Program to carry out the provisions of section 3.4 of Executive Order 12958. The Director may, in the Director’s discretion, draw on this amount for allocation to the agencies within the National Foreign Intelligence Program for the purpose of automatic declassification of records over 25 years old.

(b) REQUIRED BUDGET SUBMISSION.—The President shall submit for fiscal year 1997 and each of the following fiscal years through fiscal year 2000 a budget request which specifically sets forth the funds requested for implementation of section 3.4 of Executive Order 12958.

SEC. 308. AMENDMENT TO THE HATCH ACT REFORM AMENDMENTS OF 1993.

Section 7325 of title 5, United States Code, is amended by adding after “section 7323(a)” the following: “and paragraph (2) of section 7323(b)”.

SEC. 309. REPORT ON PERSONNEL POLICIES.

(a) REPORT REQUIRED.—Not later than three months after the date of enactment of this Act, the Director of Central Intelligence shall submit to the intelligence committees of Congress a report
describing personnel procedures, and recommending necessary legislation, to provide for mandatory retirement for expiration of time in class, comparable to the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), and termination based on relative performance, comparable to section 608 of the Foreign Service Act of 1980 (22 U.S.C. 4008), and to provide for other personnel review systems for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the intelligence elements of the Army, Navy, Air Force, and Marine Corps. Such report shall contain a description and analysis of voluntary separation incentive options, including a waiver of the 2 percent penalty reduction for early retirement under certain Federal retirement systems.

(b) COORDINATION.—The preparation of the report required by subsection (a) shall be coordinated as appropriate with elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

(c) DEFINITION.—As used in this section, the term “intelligence committees of Congress” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. ASSISTANCE TO FOREIGN COUNTRIES.

Notwithstanding any other provision of law, funds authorized to be appropriated by this Act may be used to provide assistance to a foreign country for counterterrorism efforts if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives are notified not later than 15 days prior to the provision of such assistance.

SEC. 311. FINANCIAL MANAGEMENT OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) MANAGEMENT REVIEW.—(1) The Inspector General for the Central Intelligence Agency, assisted by the Inspector General of the Department of Defense, shall undertake a comprehensive review of the financial management of the National Reconnaissance Office to evaluate the effectiveness of policies and internal controls over the budget of the National Reconnaissance Office, including the use of carry-forward funding, to ensure that National Reconnaissance Office funds are used in accordance with applicable Federal acquisition regulations and the policies of the Director of Central Intelligence and consistent with those of the Department of Defense, the guidelines of the National Reconnaissance Office, and congressional direction.

(2) The review required by paragraph (1) shall—

(A) determine the quality of the development and implementation of the budget process within the National Reconnaissance Office at both the comptroller and directorate level;

(B) assess the advantages and disadvantages of the use of incremental versus full funding for contracts entered into by the National Reconnaissance Office;

(C) assess the advantages and disadvantages of the National Reconnaissance Office’s use of carry-forward funding;

(D) determine how the National Reconnaissance Office defines, identifies, and justifies carry-forward funding requirements;

(E) determine how the National Reconnaissance Office tracks and manages carry-forward funding;
(F) determine how the National Reconnaissance Office plans to comply with congressional direction regarding carry-forward funding;

(G) determine whether or not a contract entered into by the National Reconnaissance Office has ever encountered a contingency which required the utilization of more than 30 days of carry-forward funding;

(H) consider the proposal by the Director of Central Intelligence for the establishment of a position of a Chief Financial Officer, and assess how the functions to be performed by that officer would enhance the financial management of the National Reconnaissance Office; and

(I) make recommendations, as appropriate, to improve control and management of the budget process of the National Reconnaissance Office.

(3) The Director of Central Intelligence shall submit a report to the Congress setting forth the findings of the review required by paragraph (1) not later than March 1, 1996, with an interim report provided to the Congress not later than 2 weeks after the enactment of this Act.

(b) REPORT.—(1) Not later than January 30, 1996, the President shall submit a report to the appropriate committees of the Congress on a proposal to subject the budget of the intelligence community to greater oversight by the executive branch of Government.

(2) Such report shall include (among other things)—

(A) consideration of establishing by statute a financial control officer for the National Reconnaissance Office, other elements of the intelligence community, and for the intelligence community as a whole;

(B) recommendations for procedures to be used by the Office of Management and Budget for review of the budget of the National Reconnaissance Office;

(C) a proposed statutory provision that would require the Director of Central Intelligence to establish a policy to restrict the National Reconnaissance Office authority on carry-forward funding in a manner consistent with the restriction on such authority within the Department of Defense; and

(D) an evaluation of how changes proposed as a result of the review required by subsection (a) will affect, directly or indirectly, the National Reconnaissance Office’s streamlined acquisition process and, ultimately, program costs.

(c) DEFINITION.—As used in this section, the term “intelligence community” has the meaning given to the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION PAY ACT.

(a) EXTENSION OF AUTHORITY.—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403±4(f)) is amended by striking “September 30, 1997” and inserting “September 30, 1999”.

(b) REMITTANCE OF FUNDS.—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403±4) is amended by inserting at the end the following new subsection:

“(i) REMITTANCE OF FUNDS.—The Director shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund (in addition to any other payments which the Director is required to make under subchapter III of chapter 83 and subchapter II of chapter 84 of title 5, United States Code), an amount equal to 15 percent of the final basic pay of each
employee who, in fiscal year 1998 or fiscal year 1999, retires voluntarily under section 8336, 8412, or 8414 of such title or resigns and to whom a voluntary separation incentive payment has been or is to be paid under this section.”.

SEC. 402. VOLUNTEER SERVICE PROGRAM.

(a) General Authority.—The Director of Central Intelligence is authorized to establish and maintain a program from fiscal years 1996 through 2001 to utilize the services contributed by not more than 50 annuitants who serve without compensation as volunteers in aid of the review for declassification or downgrading of classified information by the Central Intelligence Agency under applicable Executive orders governing the classification and declassification of national security information and Public Law 102-526.

(b) Costs Incidental to Services.—The Director is authorized to use sums made available to the Central Intelligence Agency by appropriations or otherwise for paying the costs incidental to the utilization of services contributed by individuals under subsection (a). Such costs may include (but need not be limited to) training, transportation, lodging, subsistence, equipment, and supplies. The Director may authorize either direct procurement of equipment, supplies, and services, or reimbursement for expenses, incidental to the effective use of volunteers. Such expenses or services shall be in accordance with volunteer agreements made with such individuals. Sums made available for such costs may not exceed $100,000.

(c) Application of Certain Provisions of Law.—A volunteer under this section shall be considered to be a Federal employee for the purposes of subchapter I of title 81 (relating to compensation of Federal employees for work injuries) and section 1346(b) and chapter 171 of title 28 (relating to tort claims). A volunteer under this section shall be covered by and subject to the provisions of chapter 11 of title 18 of the United States Code as if they were employees or special Government employees depending upon the days of expected service at the time they begin volunteering.

SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Reports by the Inspector General.—Section 17(b)(5) of the Central Intelligence Act of 1949 (50 U.S.C. 403q(b)(5)) is amended to read as follows:

“(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.”.

(b) Exception to Nondisclosure Requirement.—Section 17(e)(3)(A) of such Act is amended by inserting after “investigation” the following: “or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken”.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. DEFENSE INTELLIGENCE SENIOR LEVEL POSITIONS.

Section 1604 of title 10, United States Code, is amended to read as follows:
§ 1604. Civilian personnel management

(a) General Personnel Authority.—The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of Federal employees—

(1) establish such positions for employees in the Defense Intelligence Agency and the Central Imagery Office as the Secretary considers necessary to carry out the functions of that Agency and Office, including positions designated under subsection (f) as Defense Intelligence Senior Level positions;

(2) appoint individuals to those positions; and

(3) fix the compensation for service in those positions.

(b) Authority To Fix Rates of Basic Pay; Other Allowances and Benefits.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the Defense Intelligence Agency or the Central Imagery Office may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.

(2) The Secretary of Defense may provide employees of the Defense Intelligence Agency and the Central Imagery Office compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

(c) Prevailing Rates Systems.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the Defense Intelligence Agency or the Central Imagery Office may employ individuals described by section 5342(a)(2)(A) of such title.

(d) Allowances Based on Living Costs and Environment For Employees Stationed Outside Continental United States or in Alaska.—(1) In addition to the basic compensation payable under subsection (b), employees of the Defense Intelligence Agency and the Central Imagery Office described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

(2) Such allowance shall be based on—

(A) living costs substantially higher than in the District of Columbia;

(B) conditions of environment which—

(i) differ substantially from conditions of environment in the continental United States; and

(ii) warrant an allowance as a recruitment incentive; or

(C) both of those factors.

(3) This subsection applies to employees who—

(A) are citizens or nationals of the United States; and

(B) are stationed outside the continental United States or in Alaska.

(e) Termination of Employees.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the Defense Intelligence Agency or the Central Imagery Office if the Secretary—

(A) considers such action to be in the interests of the United States; and

(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employ-
ment of such employee cannot be invoked in a manner consistent with the national security.

“(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

“(3) The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

“(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

“(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office). An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

“(f) Defense Intelligence Senior Level Positions.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as Defense Intelligence Senior Level positions. The total number of positions designated under this subsection, when combined with the total number of positions in the Defense Intelligence Senior Executive Service under section 1601 of this title, may not exceed the total number of positions in the Defense Intelligence Senior Executive Service as of June 1, 1995.

“(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

“(3) Positions that may be designated as Defense Intelligence Senior Level positions are positions in the Defense Intelligence Agency and Central Imagery Office that (A) are classified above the GS–15 level, (B) emphasize functional expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the Defense Intelligence Senior Executive Service.

“(4) Positions referred to in paragraph (3) include Defense Intelligence Senior Technical positions and Defense Intelligence Senior Professional positions. For purposes of this subsection—

“(A) Defense Intelligence Senior Technical positions are positions covered by paragraph (3) that involve any of the following:

“(i) Research and development.

“(ii) Test and evaluation.

“(iii) Substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields.

“(iv) Intelligence disciplines including production, collection, and operations in close association with any of the activities described in clauses (i), (ii), and (iii) or related activities; and

“(B) Defense Intelligence Senior Professional positions are positions covered by paragraph (3) that emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.

“(g) ‘Employe’ Defined as Including Officers.—In this section, the term ‘employee’, with respect to the Defense Intelligence
SEC. 502. COMPARABLE BENEFITS AND ALLOWANCES FOR CIVILIAN AND MILITARY PERSONNEL ASSIGNED TO DEFENSE INTELLIGENCE FUNCTIONS OVERSEAS.

(a) CIVILIAN PERSONNEL.—Section 1605 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a)’’;

(B) by striking “of the Department of Defense” and all that follows through “this subsection,” and inserting “described in subsection (d)”;

(C) by designating the second sentence as paragraph (2);

(2) by striking subsection (c) and inserting the following: “(c) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

“(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.”;

and

(3) by adding at the end the following new subsection: “(d) Subsection (a) applies to civilian personnel of the Department of Defense who—

“(1) are United States nationals;

“(2) in the case of employees of the Defense Intelligence Agency, are assigned to duty outside the United States and, in the case of other employees, are assigned to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; and

“(3) are designated by the Secretary of Defense for the purposes of subsection (a).”.

(b) MILITARY PERSONNEL.—Section 431 of title 37, United States Code, is amended—

(1) in subsection (a), by striking “who are assigned to” and all that follows through “of this subsection” and inserting “described in subsection (e)”;

(2) by striking subsection (d) and inserting the following: “(d) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

“(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.”;

and

(3) by adding at the end the following new subsection: “(e) Subsection (a) applies to members of the armed forces who—

“(1) are assigned—

“(A) to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; or

“(B) to the Defense Intelligence Agency and engaged in intelligence-related duties outside the United States; and

“(2) are designated by the Secretary of Defense for the purposes of subsection (a).”.

SEC. 503. EXTENSION OF AUTHORITY TO CONDUCT INTELLIGENCE COMMERCIAL ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking “1995” and inserting “1998.”
SEC. 504. AVAILABILITY OF FUNDS FOR TIER II UAV.

All funds appropriated for fiscal year 1995 for the Medium Altitude Endurance Unmanned Aerial Vehicle (Tier II) are specifically authorized, within the meaning of section 504 of the National Security Act of 1947 (50 U.S.C. 414), for such purpose.

SEC. 505. MILITARY DEPARTMENT CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM.

(a) ESTABLISHMENT OF TRAINING PROGRAM. — Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1599a. Financial assistance to certain employees in acquisition of critical skills

"(a) TRAINING PROGRAM. — The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees in the Military Department Civilian Intelligence Personnel Management System that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

"(b) USE OF FUNDS FOR TRAINING PROGRAM. — Any payment made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose."

(b) CLERICAL AMENDMENT. — The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

"Sec. 1599a. Financial assistance to certain employees in acquisition of critical skills."

SEC. 506. ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.

(a) AUTHORITY. — (1) In addition to funds otherwise available for such purpose, the Secretary of the Army may transfer or reprogram funds for the enhancement of the capabilities of the Bad Aibling Station and the Menwith Hill Station, including improvements of facility infrastructure and quality of life programs at those installations.

(2) The authority of paragraph (1) may be exercised notwithstanding any other provision of law.

(b) SOURCE OF FUNDS. — Funds available for the Army for operations and maintenance for fiscal years 1996 and 1997 shall be available to carry out subsection (a).

(c) CONGRESSIONAL NOTIFICATION. — Whenever the Secretary of the Army determines that an amount to be transferred or reprogrammed under this section would cause the total amount transferred or reprogrammed in that fiscal year under this section to exceed $1,000,000, the Secretary shall notify in advance the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on National Security, and the Committee on Appropriations of the House of Representatives and provide a justification for the increased expenditure.

(d) STATUTORY CONSTRUCTION. — Nothing in this section may be construed to modify or obviate existing law or practice with regard to the transfer or reprogramming of funds in excess of $2,000,000 from the Department of the Army to the Bad Aibling Station and the Menwith Hill Station.
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TITLE VI—FEDERAL BUREAU OF INVESTIGATION

SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) In General.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

SEC. 624. Disclosures to FBI for counterintelligence purposes

(a) Identity of financial institutions.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

(2) there are specific and articulable facts giving reason to believe that the consumer—

(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

(B) is an agent of a foreign power and is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

(b) Identifying information.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

(c) Court order for disclosure of consumer reports.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and
“(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

(A) is an agent of a foreign power, and

(B) is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

“(d) Confidentiality.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

“(e) Payment of Fees.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

“(f) Limit on Dissemination.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

“(g) Rules of Construction.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

“(h) Reports to Congress.—On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

“(i) Damages.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

(1) $100, without regard to the volume of consumer reports, records, or information involved;

(2) any actual damages sustained by the consumer as a result of the disclosure;
``(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and
``(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.
``(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.
``(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.
``(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.
``(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after the item relating to section 623 the following new item:

“624. Disclosures to FBI for counterintelligence purposes.”.

TITLE VII—TECHNICAL AMENDMENTS

SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DIRECTOR OR DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE APPOINTED FROM COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) CLARIFICATION.—Subparagraph (C) of section 102(c)(3) of the National Security Act of 1947 (50 U.S.C. 403(c)(3)) is amended to read as follows:

“(C) A commissioned officer of the Armed Forces on active duty who is appointed to the position of Director or Deputy Director, while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for the Director or Deputy Director. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.”.

(b) TECHNICAL CORRECTIONS.—(1) Subparagraphs (A) and (B) of such section are amended by striking “pursuant to paragraph (2) or (3)” and inserting “to the position of Director or Deputy Director”.

(2) Subparagraph (B) of such section is amended by striking “paragraph (A)” and inserting “subparagraph (A)”. 
SEC. 702. CHANGE OF DESIGNATION OF CIA OFFICE OF SECURITY.


Approved January 6, 1996.

LEGISLATIVE HISTORY—H.R. 1655 (S. 922):

HOUSE REPORTS: Nos. 104–138, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Government Reform and Oversight), and 104–427 (Comm. of Conference).

SENATE REPORTS: Nos. 104–97 (Select Comm. on Intelligence) and 104–127 (Comm. on Armed Services), both accompanying S. 922.

Sept. 13, considered and passed House.
Sept. 29, considered and passed Senate, amended, in lieu of S. 922.
Dec. 21, House and Senate agreed to conference report.
DEFENSE ACTS
PUBLIC LAW 104–106—FEB. 10, 1996

Public Law 104–106
104th Congress

An Act

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(1) D IVISIONS.—This Act is organized into five divisions as follows:

(2) Division A—Department of Defense Authorizations.

(3) Division B—Military Construction Authorizations.

(4) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(5) Division D—Federal Acquisition Reform.

(6) Division E—Information Technology Management Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Extension of time for submission of reports.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Procurement of OH–58D Armed Kiowa Warrior helicopters.
Sec. 112. Repeal of requirements for armored vehicle upgrades.
Sec. 113. Multiyear procurement of helicopters.
Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

Sec. 131. Nuclear attack submarines.
Sec. 132. Research for advanced submarine technology.
Sec. 133. Cost limitation for Seawolf submarine program.
Sec. 134. Repeal of prohibition on backfit of Trident submarines.
Sec. 135. Arleigh Burke class destroyer program.
Sec. 136. Acquisition program for crash attenuating seats.
Sec. 137. T–39N trainer aircraft.
Sec. 138. Pioneer unmanned aerial vehicle program.

Note: Enacted during second session of 104th Congress.
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Subtitle D—Air Force Programs
Sec. 141. B–2 aircraft program.
Sec. 142. Procurement of B–2 bombers.
Sec. 143. MC–130H aircraft program.

Subtitle E—Chemical Demilitarization Program
Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 153. Administration of chemical demilitarization program.

Title II—Research, Development, Test, and Evaluation
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Modifications to Strategic Environmental Research and Development Program.
Sec. 204. Defense dual use technology initiative.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Space launch modernization.
Sec. 212. Tactical manned reconnaissance.
Sec. 213. Joint Advanced Strike Technology (JAST) program.
Sec. 214. Development of laser program.
Sec. 215. Navy mine countermeasures program.
Sec. 216. Space-based infrared system.
Sec. 217. Defense Nuclear Agency programs.
Sec. 218. Counterproliferation support program.
Sec. 219. Nonlethal weapons study.
Sec. 220. Federally funded research and development centers and university-affiliated research centers.
Sec. 221. Joint seismic program and global seismic network.
Sec. 222. Hydra–70 rocket product improvement program.
Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.
Sec. 224. Report on reductions in research, development, test, and evaluation.
Sec. 225. Advanced Field Artillery System (Crusader).
Sec. 226. Demilitarization of conventional munitions, rockets, and explosives.
Sec. 227. Defense Airborne Reconnaissance program.

Subtitle C—Ballistic Missile Defense Act of 1995
Sec. 231. Short title.
Sec. 232. Findings.
Sec. 233. Ballistic Missile Defense policy.
Sec. 234. Theater Missile Defense architecture.
Sec. 235. Prohibition on use of funds to implement an international agreement concerning Theater Missile Defense systems.
Sec. 236. Ballistic Missile Defense cooperation with allies.
Sec. 237. ABM Treaty defined.

Subtitle D—Other Ballistic Missile Defense Provisions
Sec. 251. Ballistic Missile Defense program elements.
Sec. 252. Testing of Theater Missile Defense interceptors.
Sec. 253. Repeal of missile defense provisions.

Subtitle E—Miscellaneous Reviews, Studies, and Reports
Sec. 261. Precision-guided munitions.
Sec. 262. Review of C–1 by National Research Council.
Sec. 263. Analysis of consolidation of basic research accounts of military departments.
Sec. 264. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 265. Aeronautical research and test capabilities assessment.

Subtitle F—Other Matters
Sec. 271. Advanced lithography program.
Sec. 272. Enhanced fiber optic guided missile (EFOG–M) system.
Sec. 273. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 274. Cruise missile defense initiative.
Sec. 275. Modification to university research initiative support program.
Sec. 276. Manufacturing technology program.
Sec. 277. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 278. Limitation on T–38 avionics upgrade program.
Sec. 279. Global Positioning System.
Sec. 280. Revision of authority for providing Army support for the National Science Center for Communications and Electronics.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.

Subtitle B—Depot-Level Activities
Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.
Sec. 312. Management of depot employees.
Sec. 313. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 314. Modification of notification requirement regarding use of core logistics functions waiver.

Subtitle C—Environmental Provisions
Sec. 321. Revision of requirements for agreements for services under environmental restoration program.
Sec. 322. Addition of amounts creditable to Defense Environmental Restoration Account.
Sec. 323. Use of Defense Environmental Restoration Account.
Sec. 324. Revision of authorities relating to restoration advisory boards.
Sec. 325. Discharges from vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities
Sec. 331. Operation of commissary system.
Sec. 332. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
Sec. 333. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 334. Transportation by commissaries and exchanges to overseas locations.
Sec. 335. Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 336. Operation of combined exchange and commissary stores.
Sec. 337. Deferred payment programs of military exchanges.
Sec. 338. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
Sec. 339. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 340. Repel of requirement to convert ships' stores to nonappropriated fund instrumentalities.
Sec. 341. Disposition of excess morale, welfare, and recreation funds.
Sec. 342. Clarification of entitlement to use of morale, welfare, and recreation facilities by members of reserve components and dependents.

Subtitle E—Performance of Functions by Private-Sector Sources
Sec. 351. Competitive procurement of printing and duplication services.
Sec. 352. Direct vendor delivery system for consumable inventory items of Department of Defense.
Sec. 353. Payroll, finance, and accounting functions of the Department of Defense.
Sec. 354. Demonstration program to identify overpayments made to vendors.
Sec. 355. Pilot program on private operation of defense dependents' schools.
Sec. 356. Program for improved travel process for the Department of Defense.
Sec. 357. Increased reliance on private-sector sources for commercial products and services.

Subtitle F—Miscellaneous Reviews, Studies, and Reports
Sec. 361. Quarterly readiness reports.
Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 363. Report regarding reduction of costs associated with contract management oversight.
Sec. 364. Reviews of management of inventory control points and Material Management Standard System.
Sec. 365. Report on private performance of certain functions performed by military aircraft.
Sec. 366. Strategy and report on automated information systems of Department of Defense.

Subtitle G—Other Matters
Sec. 372. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 373. Financial management training.
Sec. 374. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.
Sec. 375. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.
Sec. 376. Personnel services and logistical support for certain activities held on military installations.
Sec. 377. Retention of monetary awards.
Sec. 378. Provision of equipment and facilities to assist in emergency response actions.
Sec. 379. Report on Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.
Sec. 403. Certain general and flag officers awaiting retirement not to be counted.

Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Counting of certain active component personnel assigned in support of reserve component training.
Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Reserves on active duty in support of cooperative threat reduction programs not to be counted.
Sec. 416. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

Subtitle C—Military Training Student Loads
Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations
Sec. 431. Authorization of appropriations for military personnel.
Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy
Sec. 501. Joint officer management.
Sec. 502. Retired grade for officers in grades above major general and rear admiral.
Sec. 503. Wearing of insignia for higher grade before promotion.
Sec. 504. Authority to extend transition period for officers selected for early retirement.
Sec. 505. Army officer manning levels.
Sec. 506. Authority for medical department officers other than physicians to be appointed as Surgeon General.
Sec. 507. Deputy Judge Advocate General of the Air Force.
Sec. 508. Authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 509. Retirement for years of service of Directors of Admissions of Military and Air Force academies.

Subtitle B—Matters Relating to Reserve Components
Sec. 511. Extension of certain Reserve officer management authorities.
Sec. 512. Mobilization income insurance program for members of Ready Reserve.
Sec. 513. Military technician full-time support program for Army and Air Force reserve components.
Sec. 514. Revisions to Army Guard Combat Reform Initiative to include Army Reserve under certain provisions and make certain revisions.
Sec. 515. Active duty associate unit responsibility.
Sec. 516. Leave for members of reserve components performing public safety duty.
Sec. 517. Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises.

Subtitle C—Decorations and Awards
Sec. 521. Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962.
Sec. 522. Authority to award decorations recognizing acts of valor performed in combat during the Vietnam conflict.
Sec. 523. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
Sec. 524. Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.
Sec. 525. Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.
Sec. 526. Procedure for consideration of military decorations not previously submitted in timely fashion.

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES
Sec. 531. Revision of service obligation for graduates of the service academies.
Sec. 532. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
Sec. 533. Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies.
Sec. 534. Repeal of requirement for program to test privatization of service academy preparatory schools.

PART II—RESERVE OFFICER TRAINING CORPS
Sec. 541. ROTC access to campuses.
Sec. 542. ROTC scholarships for the National Guard.
Sec. 543. Delay in reorganization of Army ROTC regional headquarters structure.
Sec. 544. Duration of field training or practice cruise required under the Senior Reserve Officers’ Training Corps program.
Sec. 545. Active duty officers detailed to ROTC duty at senior military colleges to serve as Commandant and Assistant Commandant of Cadets and as tactical officers.

Subtitle E—Miscellaneous Reviews, Studies, and Reports
Sec. 551. Report concerning appropriate forum for judicial review of Department of Defense personnel actions.
Sec. 552. Comptroller General review of proposed Army end strength allocations.
Sec. 553. Report on manning status of highly deployable support units.
Sec. 554. Review of system for correction of military records.
Sec. 555. Report on the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation.

Subtitle F—Other Matters
Sec. 561. Equalization of accrual of service credit for officers and enlisted members.
Sec. 562. Army Ranger training.
Sec. 563. Separation in cases involving extended confinement.
Sec. 564. Limitations on reductions in medical personnel.
Sec. 565. Sense of Congress concerning personnel tempo rates.
Sec. 566. Separation benefits during force reduction for officers of commissioned corps of National Oceanic and Atmospheric Administration.
Sec. 567. Discharge of members of the Armed Forces who have the HIV-1 virus.
Sec. 568. Revision and codification of Military Family Act and Military Child Care Act.
Sec. 569. Determination of whereabouts and status of missing persons.
Sec. 570. Associate Director of Central Intelligence for Military Support.

Subtitle G—Support for Non-Department of Defense Activities
Sec. 571. Repeal of certain civil-military programs.
Sec. 572. Training activities resulting in incidental support and services for eligible organizations and activities outside the Department of Defense.
Sec. 573. National Guard civilian youth opportunity pilot program.
Sec. 574. Termination of funding for Office of Civil-Military Programs in Office of the Secretary of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances
Sec. 601. Military pay raise for fiscal year 1996.
Sec. 602. Limitation on basic allowance for subsistence for members residing without dependents in Government quarters.
Sec. 603. Election of basic allowance for quarters instead of assignment to inadequate quarters.
Sec. 604. Payment of basic allowance for quarters to members in pay grade E–6 who are assigned to sea duty.
Sec. 605. Limitation on reduction of variable housing allowance for certain members.
Sec. 606. Clarification of limitation on eligibility for family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays
Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.
Sec. 614. Codification and extension of special pay for critically short wartime health specialists in the Selected Reserves.
Sec. 615. Hazardous duty incentive pay for warrant officers and enlisted members serving as air weapons controllers.
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Sec. 616. Aviation career incentive pay.
Sec. 617. Clarification of authority to provide special pay for nurses.
Sec. 618. Continuous entitlement to career sea pay for crew members of ships designated as tenders.
Sec. 619. Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters.

Subtitle C—Travel and Transportation Allowances
Sec. 621. Repeal of requirement regarding calculation of allowances on basis of mileage tables.
Sec. 622. Departure allowances.
Sec. 623. Transportation of nondependent child from member's station overseas after loss of dependent status while overseas.
Sec. 624. Authorization of dislocation allowance for moves in connection with base realignments and closures.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters
Sec. 632. Denial of non-regular service retired pay for Reserves receiving certain court-martial sentences.
Sec. 633. Report on payment of annuities for certain military surviving spouses.
Sec. 634. Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines.
Sec. 635. Authority for relief from previous overpayments under minimum income widows program.
Sec. 636. Transitional compensation for dependents of members of the Armed Forces separated for dependent abuse.

Subtitle E—Other Matters
Sec. 641. Payment to survivors of deceased members for all leave accrued.
Sec. 642. Repeal of reporting requirements regarding compensation matters.
Sec. 643. Recoupment of administrative expenses in garnishment actions.
Sec. 644. Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers.
Sec. 645. Study regarding joint process for determining location of recruiting stations.
Sec. 646. Automatic maximum coverage under Servicemen's Group Life Insurance.
Sec. 647. Termination of Servicemen's Group Life Insurance for members of the Ready Reserve who fail to pay premiums.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services
Sec. 701. Modification of requirements regarding routine physical examinations and immunizations under CHAMPUS.
Sec. 702. Correction of inequities in medical and dental care and death and disability benefits for certain Reserves.
Sec. 703. Medical care for surviving dependents of retired Reserves who die before age 60.
Sec. 704. Medical and dental care for members of the Selected Reserve assigned to early deploying units of the Army Selected Reserve.
Sec. 705. Dental insurance for members of the Selected Reserve.
Sec. 706. Permanent authority to carry out specialized treatment facility program.

Subtitle B—TRICARE Program
Sec. 711. Definition of TRICARE program.
Sec. 712. Priority use of military treatment facilities for persons enrolled in managed care initiatives.
Sec. 713. Staggered payment of enrollment fees for TRICARE program.
Sec. 714. Requirement of budget neutrality for TRICARE program to be based on entire program.
Sec. 715. Training in health care management and administration for TRICARE lead agents.
Sec. 716. Pilot program of individualized residential mental health services.
Sec. 717. Evaluation and report on TRICARE program effectiveness.
Sec. 718. Sense of Congress regarding access to health care under TRICARE program for covered beneficiaries who are medicare eligible.

Subtitle C—Uniformed Services Treatment Facilities
Sec. 721. Delay of termination of status of certain facilities as Uniformed Services Treatment Facilities.
Sec. 722. Limitation on expenditures to support Uniformed Services Treatment Facilities.
Sec. 723. Application of CHAMPUS payment rules in certain cases.
Sec. 724. Application of Federal Acquisition Regulation to participation agreements with Uniformed Services Treatment Facilities.
Sec. 725. Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense.
Sec. 726. Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities.
Sec. 727. Elimination of unnecessary annual reporting requirement regarding Uniformed Services Treatment Facilities.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Maximum allowable payments to individual health-care providers under CHAMPUS.
Sec. 732. Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility.
Sec. 733. Personal services contracts for medical treatment facilities of the Coast Guard.
Sec. 734. Identification of third-party payer situations.
Sec. 735. Redesignation of Military Health Care Account as Defense Health Program Account and two-year availability of certain account funds.
Sec. 736. Expansion of financial assistance program for health-care professionals in reserve components to include dental specialties.
Sec. 737. Applicability of limitation on prices of pharmaceuticals procured for Coast Guard.
Sec. 738. Restriction on use of Department of Defense facilities for abortions.

Subtitle E—Other Matters

Sec. 741. Triservice nursing research.
Sec. 742. Termination of program to train military psychologists to prescribe psychotropic medications.
Sec. 743. Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility.
Sec. 744. Demonstration program to train military medical personnel in civilian shock trauma units.
Sec. 745. Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel.
Sec. 746. Report on improved access to military health care for covered beneficiaries entitled to Medicare.
Sec. 747. Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel, retired military personnel, and their dependents.
Sec. 748. Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities.
Sec. 749. State recognition of military advance medical directives.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

Sec. 801. Inapplicability of limitation on expenditure of appropriations to contracts at or below simplified acquisition threshold.
Sec. 802. Authority to delegate contracting authority.
Sec. 803. Control in procurements of critical aircraft and ship spare parts.
Sec. 804. Fees for certain testing services.
Sec. 805. Coordination and communication of defense research activities.
Sec. 806. Addition of certain items to domestic source limitation.
Sec. 807. Encouragement of use of leasing authority.
Sec. 808. Cost reimbursement rules for indirect costs attributable to private sector work of defense contractors.
Sec. 809. Subcontracts for ocean transportation services.
Sec. 810. Prompt resolution of audit recommendations.
Sec. 811. Test program for negotiation of comprehensive subcontracting plans.
Sec. 812. Procurement of items for experimental or test purposes.
Sec. 813. Use of funds for acquisition of designs, processes, technical data, and computer software.
Sec. 814. Independent cost estimates for major defense acquisition programs.
Sec. 815. Construction, repair, alteration, furnishing, and equipping of naval vessels.

Subtitle B—Other Matters

Sec. 821. Procurement technical assistance programs.
Sec. 822. Defense facility-wide pilot program.
Sec. 823. Treatment of Department of Defense cable television franchise agreements.
Sec. 824. Extension of pilot mentor-protege program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

Sec. 901. Organization of the Office of the Secretary of Defense.
Sec. 902. Reduction in number of Assistant Secretary of Defense positions.
Sec. 903. Deferred repeal of various statutory positions and offices in Office of the Secretary of Defense.
Sec. 904. Redesignation of the position of Assistant to the Secretary of Defense for Atomic Energy.
Sec. 905. Joint Requirements Oversight Council.
Sec. 906. Restructuring of Department of Defense acquisition organization and workforce.
Sec. 908. Redesignation of Advanced Research Projects Agency.

**Subtitle B—Financial Management**

Sec. 911. Transfer authority regarding funds available for foreign currency fluctuations.
Sec. 912. Defense Modernization Account.
Sec. 913. Designation and liability of disbursing and certifying officials.
Sec. 914. Fisher House trust funds.
Sec. 915. Limitation on use of authority to pay for emergency and extraordinary expenses.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Improved funding mechanisms for unbudgeted operations.
Sec. 1004. Operation Provide Comfort.
Sec. 1005. Operation Enhanced Southern Watch.
Sec. 1006. Authority for obligation of certain unauthorized fiscal year 1995 defense appropriations.
Sec. 1008. Authorization reductions to reflect savings from revised economic assumptions.

**Subtitle B—Naval Vessels and Shipyards**

Sec. 1011. Iowa class battleships.
Sec. 1012. Transfer of naval vessels to certain foreign countries.
Sec. 1013. Contract options for LMSR vessels.
Sec. 1015. Naval salvage facilities.
Sec. 1016. Vessels subject to repair under phased maintenance contracts.
Sec. 1017. Clarification of requirements relating to repairs of vessels.
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TITLE LVII—CONFORMING AND CLERICAL AMENDMENTS

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Sec. 5701. Effective date.

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Sec. 5703. Rules of construction.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.
SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.
In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

(1) the date established for submittal of the report in such provision or amendment; or

(2) the date that is 45 days after the date of the enactment of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,558,805,000.
(2) For missiles, $865,555,000.
(3) For weapons and tracked combat vehicles, $1,652,745,000.
(4) For ammunition, $1,093,991,000.
(5) For other procurement, $2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,572,394,000.
(2) For weapons, including missiles and torpedoes, $1,659,827,000.
(3) For shipbuilding and conversion, $6,643,958,000.
(4) For other procurement, $2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $458,947,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $430,053,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,349,783,000.
(2) For missiles, $2,938,883,000.
(3) For ammunition, $343,848,000.
(4) For other procurement, $6,268,430,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,124,379,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $160,000,000.
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SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $672,250,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF OH-58D ARMED KIOWA WARRIOR HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $140,000,000 for the procurement of not more than 20 OH-58D Armed Kiowa Warrior aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of the following:

(1) AH–64D Longbow Apache attack helicopters.

(2) UH–60 Black Hawk utility helicopters.

SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996; and

(2) a detailed timeline and statement of funding requirements for the engine upgrade program described in paragraph (1).
SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AUTHORIZED MULTYEAR PROCUREMENT AUTHORITY FOR ARMY SMALL ARMS PROCUREMENT.

(a) REQUIREMENT.—The Secretary of the Army (subject to the provision of authority in an appropriations Act) shall enter into a multiyear procurement contract during fiscal year 1997 in accordance with section 115(b)(2) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681).

(b) TECHNICAL AMENDMENT.—Section 115(b)(1) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681) is amended by striking out “2306(h)” and inserting in lieu thereof “2306b”.

Subtitle C—Navy Programs

SEC. 131. NUCLEAR ATTACK SUBMARINES.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1996—

(A) $700,000,000 is available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class; and

(B) $804,498,000 is available for long-lead and advance construction and procurement of components for construction of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the New Attack Submarine), of which—

(i) $704,498,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which shall be built by Electric Boat Division; and

(ii) $100,000,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which shall be built by Newport News Shipbuilding.

(2) Of the amount authorized by section 201(2), $10,000,000 shall be available only for participation of Newport News Shipbuilding in the design of the submarine previously designated by the Navy as the New Attack Submarine.

(b) COMPETITION, REPORT, AND BUDGET REVISION LIMITATIONS.—(1) Of the amounts specified in subsection (a)(1), not more than $200,000,000 may be obligated or expended until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines to be constructed beginning—

(A) after fiscal year 1999, or

(B) if four submarines are procured as provided for in the plan described in subsection (c), after fiscal year 2001, will be under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (k)) in which the Secretary solicits competitive proposals and awards the contract or contracts on the basis of price.

(2) Of the amounts specified in subsection (a)(1), not more than $1,000,000,000 may be obligated or expended until the Secretary of Defense, not later than March 15, 1996, accomplishes each of the following:

(A) Submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives in accordance with subsection (c) the plan required by that subsection for a program to produce a more capable, less expensive nuclear attack submarine than the submarine design previously designated by the Navy as the New Attack Submarine.
(B) Notwithstanding any other provision of law, or the funding level in the President's budget for each year after fiscal year 1996, the Under Secretary of Defense (Comptroller) shall incorporate the costs of the plan required by subsection (c) in the Future Years Defense Program (FYDP) even if the total cost of that Program exceeds the President's budget.

(C) Directs that the Under Secretary of Defense for Acquisition and Technology conduct oversight over the development and improvement of the nuclear attack submarine program of the Navy. Officials of the Department of the Navy exercising management oversight of the program shall report to the Under Secretary of Defense for Acquisition and Technology with respect to that program.

(c) PLAN FOR FISCAL YEAR 1998, 1999, 2000, AND 2001 SUBMARINES.—(1) The Secretary of Defense shall, not later than March 15, 1996, develop (and submit to the committees specified in subsection (b)(2)(A)) a detailed plan for development of a program that will lead to production of a more capable, less expensive submarine than the submarine previously designated as the New Attack Submarine.

(2) As part of such plan, the Secretary shall provide for a program for the design, development, and procurement of four nuclear attack submarines to be procured during fiscal years 1998 through 2001, the purpose of which shall be to develop and demonstrate new technologies that will result in each successive submarine of those four being a more capable and more affordable submarine than the submarine that preceded it. The program shall be structured so that—

(A) one of the four submarines is to be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(B) in order to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines are to be constructed by the Electric Boat Division and the fiscal year 1999 and the fiscal year 2001 submarines are to be constructed by Newport News Shipbuilding;

(C) the design designated by the Navy for the submarine previously designated as the New Attack Submarine will be used as the base design by both contractors;

(D) each contractor shall be called upon to propose improvements, including design improvements, for each successive submarine as new and better technology is demonstrated and matures so that—

(i) each successive submarine is more capable and more affordable; and

(ii) the design for a future class of nuclear attack submarines will incorporate the latest, best, and most affordable technology; and

(E) the fifth and subsequent nuclear attack submarines to be built after the SSN–23 submarine shall be procured as required by subsection (b)(1).

(3) The plan under paragraph (1) shall—

(A) set forth a program to accomplish the design, development, and construction of the four submarines taking maximum advantage of a streamlined acquisition process, as provided under subsection (d);

(B) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003, with such submarine to be procured as required by subsection (b)(1);

(C) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates to be incorporated into the plan to design, develop, and procure the submarines;
(D) designate the fifth submarine to be procured as the lead ship in the next generation submarine class, unless the Secretary of the Navy, in consultation with the special submarine review panel described in subsection (f), determines that more submarines should be built before the design of the new class of submarines is fixed, in which case each such additional submarine shall be procured in the same manner as is required by subsection (b)(1); and

(E) identify the impact of the submarine program described in paragraph (1) on the remainder of the appropriation account known as "Shipbuilding and Conversion, Navy", as such impact relates to—

(i) force structure levels required by the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review";

(ii) force structure levels required by the 1995 report on the Surface Ship Combatant Study that was carried out for the Department of Defense; and

(iii) the funding requirements for submarine construction, as a percentage of the total ship construction account, for each fiscal year throughout the FYDP.

(4) As part of such plan, the Secretary shall provide—

(A) cost estimates and schedules for developing new technologies that may be used to make submarines more capable and more affordable; and

(B) an analysis of significant risks associated with fielding the new technologies on the schedule proposed by the Secretary and significant increased risks that are likely to be incurred by accelerating that schedule.

(d) STREAMLINED ACQUISITION PROCESS.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of the submarine program under this section.

(e) ANNUAL REVISIONS TO PLAN.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual update to the plan required to be submitted under subsection (b). Each such update shall be submitted concurrent with the President's budget submission to Congress for each of fiscal years 1998 through 2002.

(f) SPECIAL SUBMARINE REVIEW PANEL.—(1) The plan under subsection (c) and each annual update under subsection (e) shall be reviewed by a special bipartisan congressional panel working with the Navy. The panel shall consist of three members of the Committee on Armed Services of the Senate, who shall be designated by the chairman of that committee, and three members of the Committee on National Security of the House of Representatives, who shall be designated by the chairman of that committee. The members of the panel shall be briefed by the Secretary of the Navy on the status of the submarine modernization program and the status of submarine-related research and development under this section.

(2) Not later than May 1 of each year, the panel shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the panel's findings and recommendations regarding the progress of the Secretary in procuring a more capable, less expensive submarine. The panel may recommend any funding adjustments it believes appropriate to achieve this objective.

(g) LINKAGE OF FISCAL YEAR 1998 AND 1999 SUBMARINES.—Funds referred to in subsection (a)(1)(B) that are available for the fiscal year 1998 and fiscal year 1999 submarines under this section may not be expended during fiscal year 1996 for the fiscal year 1998 submarine (other than for design) unless funds are obli-
gated or expended during such fiscal year for a contract in support of procurement of the fiscal year 1999 submarine.

(h) CONTRACTS AUTHORIZED.—The Secretary of the Navy is authorized, using funds available pursuant to paragraph (1)(B) of subsection (a), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1996 for—

(1) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

(2) advance construction of such components and other components for such submarines.

(i) ADVANCED RESEARCH PROJECTS AGENCY DEVELOPMENT OF ADVANCED TECHNOLOGIES.—(1) Of the amount provided in section 201(4) for the Advanced Research Projects Agency, $100,000,000 is available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the plan developed under subsection (c). Such advanced technologies shall include the following:

(A) Electric drive.
(B) Hydrodynamic quieting.
(C) Ship control automation.
(D) Solid-state power electronics.
(E) Wake reduction technologies.
(F) Superconductor technologies.
(G) Torpedo defense technologies.
(H) Advanced control concept.
(I) Fuel cell technologies.
(J) Propulsors.

(2) The Director of the Advanced Research Projects Agency shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies under paragraph (1). Such acquisition strategy shall be developed and implemented in concert with Electric Boat Division and Newport News Shipbuilding and the Navy.

(j) REFERENCES TO CONTRACTORS.—For purposes of this section—

(1) the contractor referred to as “Electric Boat Division” is the Electric Boat Division of the General Dynamics Corporation; and

(2) the contractor referred to as “Newport News Shipbuilding” is the Newport News Shipbuilding and Drydock Company.

(k) POTENTIAL COMPETITOR DEFINED.—For purposes of this section, the term “potential competitor” means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Of the amount appropriated for fiscal year 1996 for the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,223,659,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.
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SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.


SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) Authorization for Procurement of Six Vessels.—The Secretary of the Navy is authorized to construct six Arleigh Burke class destroyers in accordance with this section. Within the amount authorized to be appropriated pursuant to section 102(a)(3), $2,169,257,000 is authorized to be appropriated for construction (including advance procurement) for the Arleigh Burke class destroyers.

(b) Contracts.—(1) The Secretary is authorized to enter into contracts in fiscal year 1996 for the construction of three Arleigh Burke class destroyers.

(2) The Secretary is authorized, in fiscal year 1997, to enter into contracts for the construction of the other three Arleigh Burke class destroyers covered by subsection (a), subject to the availability of appropriations for such destroyers.

(3) In awarding contracts for the six vessels covered by subsection (a), the Secretary shall continue the contract award pattern and sequence used by the Secretary for the procurement of Arleigh Burke class destroyers during fiscal years 1994 and 1995.

(4) A contract for construction of a vessel or vessels that is entered into in accordance with paragraph (1) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessel or vessels.

(c) Use of Available Funds.—(1) Subject to paragraph (2), the Secretary may take appropriate actions to use for full funding of a contract entered into in accordance with subsection (b)—

(A) any funds that, having been appropriated for shipbuilding and conversion programs of the Navy other than Arleigh Burke class destroyer programs pursuant to the authorization in section 102(a)(3), become excess to the needs of the Navy for such programs by reason of cost savings achieved for such programs;

(B) any unobligated funds that are available to the Secretary for shipbuilding and conversion for any fiscal year before fiscal year 1996; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1996, to complete the full funding of the contract.

(2) The Secretary may not, in the exercise of authority provided in subparagraph (A) or (B) of paragraph (1), obligate funds for a contract entered into in accordance with subsection (b) until 30 days after the date on which the Secretary submits to the congressional defense committees in writing a notification of the intent to obligate the funds. The notification shall set forth the source or sources of the funds and the amount of the funds from each such source that is to be so obligated.

SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUATING SEATS.

(a) Program Authorized.—The Secretary of the Navy shall establish a program to procure for, and install in, H–53E military
transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) Funding.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

SEC. 137. T–39N TRAINER AIRCRAFT.

(a) Limitation.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(1) an analysis of the proposed acquisition of such aircraft; and

(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.

(b) Covered Aircraft.—Subsection (a) applies to certain T–39 trainer aircraft that as of November 1, 1995 (1) are used by the Navy under a lease arrangement for the training of naval flight officers, and (2) are offered for sale to the Government.

SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than one-sixth of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before fiscal year 1996 for the activities and operations of such office, may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that funds have been obligated to equip nine Pioneer Unmanned Aerial Vehicle systems with the Common Automatic Landing and Recovery System (CARS).

Subtitle D—Air Force Programs

SEC. 141. B–2 AIRCRAFT PROGRAM.

(a) Repeal of Limitations.—The following provisions of law are repealed:

(1) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(2) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).


(1) by striking out subsection (a);
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(2) by striking out the matter in subsection (b) preceding paragraph (1) and inserting in lieu thereof the following:

(a) ANNUAL REPORTING REQUIREMENT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that sets forth the findings of the Secretary (as of January 1 of such year) on each of the following matters:

(3) by striking out “That” in paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof “Whether”;

(4) in paragraph (1), by striking out “latest” and all that follows through “100–180” and inserting in lieu thereof “Requirements Correlation Matrix found in the user-defined Operational Requirements Document (as contained in Attachment B to a letter from the Secretary of Defense to Congress dated October 14, 1993)”;

(5) in paragraph (3), by striking out “congressional defense”;

(6) in paragraph (4), by striking out “such certification to be submitted”;

(7) by adding at the end the following:

“(b) FIRST REPORT.—The Secretary shall submit the first annual report under subsection (a) not later than March 1, 1996.”;

(8) by amending the section heading to read as follows:

“SEC. 112. ANNUAL REPORT ON B–2 BOMBER AIRCRAFT PROGRAM.”.

(c) REPEAL OF CONDITION ON OBLIGATION OF FUNDS IN ENHANCED BOMBER CAPABILITY FUND.—Section 133(d)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688) is amended by striking out “If,” and all that follows through “bombers, the Secretary” and inserting in lieu thereof “The Secretary”.

SEC. 142. PROCUREMENT OF B–2 BOMBERS.

Of the amount authorized to be appropriated by section 103 for the B–2 bomber procurement program, not more than $279,921,000 may be obligated or expended before March 31, 1996.

SEC. 143. MC–130H AIRCRAFT PROGRAM.

The limitation on the obligation of funds for payment of an award fee and the procurement of contractor-furnished equipment for the MC–130H Combat Talon aircraft set forth in section 161(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1388) shall cease to apply upon determination by the Director of Operational Test and Evaluation (and submission of a certification of that determination to the congressional defense committees) that, based on the operational test and evaluation and the analysis conducted on that aircraft to the date of that determination, such aircraft is operationally effective and meets the needs of its intended users.

Subtitle E—Chemical Demilitarization Program

SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) In General.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) Initiation of Demilitarization Operations.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) Assessment of Alternatives.—(1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with the National Research Council.

(3) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

(4) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.

(d) Assistance for Chemical Weapons Stockpile Communities Affected by Base Closure.—(1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.
(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

(3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS’ ADVISORY COMMISSIONS.—Section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note) is amended to read as follows:

“(g) PAY AND EXPENSES.—Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for Citizens’ Advisory Commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).”.

(b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS’ ADVISORY COMMISSIONERS.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out “(g) ANNUAL REPORT.—” and inserting in lieu thereof “(g) PERIODIC REPORTS.—”;

(2) in paragraph (2)—

(A) by striking out “Each such report shall con-" and inserting in lieu thereof “Each annual report shall contain—”;

(B) in subparagraph (B)—

(i) by striking out “and” at the end of clause (iv); (ii) by striking out the period at the end of clause (v) and inserting in lieu thereof “; and”; and

(iii) by adding at the end the following: “(vi) travel and associated travel costs for Citizens’ Advisory Commissioners under section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note).”;

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens’ Advisory Commissioners under section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report.”; and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out “this subsection” and inserting in lieu thereof “paragraph (1)”; and

(B) by adding at the end the following: “No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).”.

(c) DIRECTOR OF PROGRAM.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting “or civilian equivalent” after “general officer”.

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TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,737,581,000.
(2) For the Navy, $8,474,783,000.
(3) For the Air Force, $12,914,868,000.
(4) For Defense-wide activities, $9,693,180,000, of which—
   (A) $251,082,000 is authorized for the activities of the Director, Test and Evaluation; and
   (B) $22,587,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,088,879,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term “basic research and exploratory development” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COUNCIL MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—
   (1) by striking out “thirteen” and inserting in lieu thereof “12”;
   (2) by striking out paragraph (3);
   (3) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and
   (4) in paragraph (8), as redesignated, by striking out “, who shall be nonvoting members”.

(b) ANNUAL REPORT.—(1) Section 2902 of such title is amended in subsection (d)—
   (A) by striking out paragraph (3) and inserting in lieu thereof the following:
      “(3) To prepare an annual report that contains the following:
      “(A) A description of activities of the strategic environmental research and development program carried out during the fiscal year before the fiscal year in which the report is prepared.
      “(B) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.
      “(C) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.”; and
   (B) in paragraph (4), by striking out “Federal Coordinating Council on Science, Engineering, and Technology” and inserting in lieu thereof “National Science and Technology Council”.


(2) Section 2902 of such title is further amended—
(A) by striking out subsections (f) and (h);
(B) by redesignating subsection (g) as subsection (f); and
(C) by adding at the end the following new subsection:

``(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense the annual report prepared pursuant to subsection (d)(3).
``

``(2) Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.''
``(3) The amendments made by this subsection shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.
``

(c) Policies and Procedures.—Section 2902(e) of such title is amended in paragraph (3) by striking out “programs, particularly” and all that follows through the end of the paragraph and inserting in lieu thereof “programs;”.

(d) Competitive Procedures.—Section 2903(c) of such title is amended—
(1) by striking out “or” after “contracts” and inserting in lieu thereof “using competitive procedures. The Executive Director may enter into”; and
(2) by striking out “law, except that” and inserting in lieu thereof “law. In either case,”.

(e) Continuation of Expiring Authority.—(1) Section 2903(d) of such title is amended in paragraph (2) by striking out the last sentence.
(2) The amendment made by paragraph (1) shall take effect as of September 29, 1995.

SEC. 204. Defense Dual Use Technology Initiative.

(a) Fiscal Year 1996 Amount.—Of the amount authorized to be appropriated in section 201(4), $195,000,000 shall be available for the defense dual use technology initiative conducted under chapter 148 of title 10, United States Code.

(b) Availability of Funds for Existing Technology Reinvestment Projects.—The Secretary of Defense shall use amounts made available for the defense dual use technology initiative under subsection (a) only for the purpose of continuing or completing technology reinvestment projects that were initiated before October 1, 1995.

(c) Notice Concerning Projects to Be Carried Out.—Of the amounts made available for the defense dual use technology initiative under subsection (a)—

(1) $145,000,000 shall be available for obligation only after the date on which the Secretary of Defense notifies the congressional defense committees regarding the defense reinvestment projects to be funded using such funds; and
(2) the remaining $50,000,000 shall be available for obligation only after the date on which the Secretary of Defense certifies to the congressional defense committees that the defense reinvestment projects to be funded using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. Space Launch Modernization.

(a) Allocation of Funds.—Of the amount authorized to be appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable rocket technology program.
(b) Limitation.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

SEC. 212. TACTICAL MANNED RECONNAISSANCE.

(a) Limitation.—None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission until the report required by subsection (b) is submitted to the congressional defense committees.

(b) Report.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth in detail information about the manner in which the funds authorized by section 201 of this Act and section 201 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2690) are planned to be used during fiscal year 1996 for research, development, test, and evaluation for the Air Force tactical manned reconnaissance mission. At a minimum, the report shall include the sources, by program element, of the funds and the purposes for which the funds are planned to be used.

SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) Allocation of Funds.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $200,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $83,795,000 shall be available for program element 63800N in the budget of the Department of Defense for fiscal year 1996;

(2) $85,686,000 shall be available for program element 63800F in such budget; and

(3) $30,675,000 shall be available for program element 63800E in such budget.

(b) Additional Allocation.—Of the amounts made available under paragraphs (1), (2), and (3) of subsection (a)—

(1) $25,000,000 shall be available from the amount authorized to be appropriated pursuant to the authorization in section 201(2) for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F–117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $7,000,000 shall be available to provide for competitive engine concepts.

(c) Limitation.—Not more than 75 percent of the amount appropriated for the Joint Advanced Strike Technology program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report required by subsection (d) is submitted to the congressional defense committees.

(d) Report.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, not later than March 1, 1996, that sets forth in detail the following information for the period 1997 through 2005:

(1) The total joint requirement, assuming the capability to successfully conduct two nearly simultaneous major regional contingencies, for the following:

(A) Numbers of bombers, tactical combat aircraft, and attack helicopters and the characteristics required of those aircraft in terms of capabilities, range, and low-observability.
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(B) Surface- and air-launched standoff precision guided munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as the Extended Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfighting capability.

(2) The warning time assumptions for two nearly simultaneous major regional contingencies, and the effects on future tactical attack/fighter aircraft requirements using other warning time assumptions.

(3) The requirements that exist for the Joint Advanced Strike Technology program that cannot be met by existing aircraft or by those in development.

SEC. 214. DEVELOPMENT OF LASER PROGRAM.

Of the amount authorized to be appropriated by section 201(2), $9,000,000 shall be used for the development by the Naval High Energy Laser Office of a continuous wave, superconducting radio frequency free electron laser program.

SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) by striking out “Director, Defense Research and Engineering” and inserting in lieu thereof “Under Secretary of Defense for Acquisition and Technology”; and

(2) by striking out “fiscal years 1995 through 1999” and inserting in lieu thereof “fiscal years 1996 through 1999”.

SEC. 216. SPACE-BASED INFRARED SYSTEM.

(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Such baseline shall—

(1) include—

(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscal year in which such activities are planned to be carried out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;

(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and

(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).

(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested
for the Space-Based Infrared System shall be set forth in accordance with the following program elements:

(1) Space Segment High.
(2) Space Segment Low (Space and Missile Tracking System).
(3) Ground Segment.

(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:

(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.
(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.

SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $241,703,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount made available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount made available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;
(B) sustaining the supporting industrial base; and
(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

(d) THERMIONICS PROGRAM.—Of the amount made available under subsection (a), $10,000,000 shall be available for the thermionics program, to be managed by the Defense Nuclear Agency.

(e) ELECTROTHERMAL GUN TECHNOLOGY PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the electrothermal gun technology program of the Defense Nuclear Agency.

(f) COUNTERTERROR EXPLOSIVES RESEARCH PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the counterterror explosives research program of the Defense Nuclear Agency.

(g) TRANSFER OF UNOBLIGATED BALANCE.—The Secretary of Defense shall transfer to the Defense Nuclear Agency, to be available for the thermionics program, an amount not to exceed $12,000,000 from the unobligated balance of funds authorized and appropriated for research, development, test, and evaluation for...
fiscal year 1995 for the Air Force for the Advanced Weapons Program.

SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) Funding.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $138,237,000 shall be available for the Counterproliferation Support Program, of which $30,000,000 shall be available for a tactical antisatellite technologies program.

(b) Additional Authority To Transfer Authorizations.—

(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1845). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 219. NONLETHAL WEAPONS STUDY.

(a) Findings.—Congress finds the following:

(1) The role of the United States military in operations other than war has increased.

(2) Weapons and instruments that are nonlethal in application yet immobilizing could have widespread operational utility and application.

(3) The use of nonlethal weapons in operations other than war poses a number of important doctrine, legal, policy, and operations questions which should be addressed in a comprehensive and coordinated manner.

(4) The development of nonlethal technologies continues to spread across military and agency budgets.

(5) The Department of Defense should provide improved budgetary focus and management direction to the nonlethal weapons program.

(b) Responsibility for Development of Nonlethal Weapons Technology.—Not later than February 15, 1996, the Secretary of Defense shall assign centralized responsibility for development (and any other functional responsibility the Secretary considers appropriate) of nonlethal weapons technology to an existing office within the Office of the Secretary of Defense or to a military service as the executive agent.

(c) Report.—Not later than February 15, 1996, the Secretary of Defense shall submit to Congress a report setting forth the following:
(1) The name of the office or military service assigned responsibility for the nonlethal weapons program by the Secretary of Defense pursuant to subsection (b) and a discussion of the rationale for such assignment.

(2) The degree to which nonlethal weapons are required by more than one of the armed forces.

(3) The time frame for the development and deployment of such weapons.

(4) The appropriate role of the military departments and defense agencies in the development of such weapons.

(5) The military doctrine, legal, policy, and operational issues that must be addressed by the Department of Defense before such weapons achieve operational capability.

(d) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for nonlethal weapons programs and nonlethal technologies programs.

(e) DEFINITION.—For purposes of this section, the term "nonlethal weapon" means a weapon or instrument the effect of which on human targets is less than fatal.

SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which
the notice is submitted to those committees, unless the Secretary
determines that it is essential to the national security that funds
be obligated for work at that center in excess of that limitation
before the end of such period and notifies those committees of
that determination and the reasons for the determination.

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consulta-
tion with the Secretaries of the military departments, shall develop
a five-year plan to reduce and consolidate the activities performed
by FFRDCs and UARCs and establish a framework for the future
workload of such centers.

(2) The plan shall—
   (A) set forth the manner in which the Secretary of Defense
could achieve by October 1, 2000, implementation by FFRDCs
   and UARCs of only those core activities, as defined by the
   Secretary, that require the unique capabilities and arrange-
   ments afforded by such centers; and
   (B) include an assessment of the number of personnel
   needed in each FFRDC and UARC during each year over the
   five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense
shall submit to the congressional defense committees a report on
the plan required by this subsection.

SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

Of the amount authorized to be appropriated under section
201(3), $9,500,000 shall be available for fiscal year 1996 (in program
element 61101F in the budget of the Department of Defense for
fiscal year 1996) for continuation of the Joint Seismic Program
and Global Seismic Network.

SEC. 222. HYDRA–70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to
be appropriated under section 201(1) for Other Missile Product
Improvement Programs, $10,000,000 is authorized to be appro-
priated for a Hydra–70 rocket product improvement program and
to be made available under such program for full qualification
and operational platform certification of a Hydra–70 rocket
described in subsection (b) for use on the Apache attack helicopter.

(b) HYDRA–70 ROCKET COVERED.—The Hydra–70 rocket
referred to in subsection (a) is any Hydra–70 rocket that has as
its propulsion component a 2.75-inch rocket motor that is a non-
developmental item and uses a composite propellant.

(c) COMPETITION REQUIRED.—The Secretary of the Army shall
conduct the product improvement program referred to in subsection
(a) with full and open competition.

(d) SUBMISSION OF TECHNICAL DATA PACKAGE REQUIRED.—
Upon the full qualification and operational platform certification
of a Hydra–70 rocket as described in subsection (a), the contractor
providing the rocket so qualified and certified shall submit the
technical data package for the rocket to the Secretary of the Army.
The Secretary shall use the technical data package in competitions
for contracts for the procurement of Hydra–70 rockets described
in subsection (b) for the Army.

(e) DEFINITIONS.—For purposes of this section, the terms “full
and open competition” and “nondevelopmental item” have the mean-
ings given such terms in section 4 of the Office of Federal Procure-

SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL RECEIPT OF
ELECTRONIC COMBAT CONSOLIDATION MASTER PLAN.

(a) LIMITATION.—Not more than 75 percent of the amounts
appropriated or otherwise made available pursuant to the
authorization of appropriations in section 201 for test and evalua-
tion program elements 65896A, 65864N, 65807F, and 65804D in
the budget of the Department of Defense for fiscal year 1996 may
be obligated until 14 days after the date on which the congressional defense committees receive the plan specified in subsection (b).

(b) PLAN.—The plan referred to in subsection (a) is the master plan for electronic combat consolidation described under Defense-Wide Programs under Research, Development, Test, and Evaluation in the Report of the Committee on Armed Services of the House of Representatives on H.R. 4301 (House Report 103-499), dated May 10, 1994.

SEC. 224. REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REPORT REQUIREMENT.—Not later than March 15, 1996, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.
(2) Reductions to reflect savings from revised economic assumptions.
(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.
(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 225. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader; and
(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader program after August 15, 1996, unless—

(1) the report required by subsection (c) has been submitted by that date; and
(2) such report includes documentation of significant progress, as determined by the Secretary, toward meeting the objectives for the liquid propellant portion of the program, as set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995.

(c) REPORT REQUIRED.—Not later than August 1, 1996, the Secretary of the Army shall submit to the congressional defense committees a report containing documentation of the progress being made in meeting the objectives set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995. The report shall specifically address the progress being made toward meeting the following objectives:

(1) Establishment of breech and ignition design criteria for rate of fire for the cannon of the Crusader.
(2) Selection of a satisfactory ignition concept for the next prototype of the cannon.
(3) Selection, on the basis of modeling and simulation, of design concepts to prevent chamber piston reversals, and validation of the selected concepts by gun and mock chamber firings.

(4) Achievement of an understanding of the chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone, and achievement, on the basis of modeling and simulation, of an ignition process that is predictable.

(5) Completion of an analysis of the management of heat dissipation for the full range of performance requirements for the cannon, completion of concept designs supported by that analysis, and proposal of such concept designs for engineering.

(6) Development, for integration into the next prototype of the cannon, of engineering designs to control pressure oscillations in the chamber of the cannon during firing.

(7) Completion of an assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon, and documentation of predictable reactions of contaminated or sensitized liquid propellant.

(d) ADDITIONAL MATTERS TO BE COVERED BY REPORT.—The report required by subsection (c) also shall contain the following:

(1) An assertion that all the known hazards associated with liquid propellant have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader (the cannon, vehicle, and crew module), including, for each performance goal of the Crusader program (including the goal for total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader after August 1, 1996, and the cost of each unit of the Crusader in the year the Crusader will be completed.

SEC. 226. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for explosives demilitarization technology, $15,000,000 shall be available to establish an integrated program for the development and demonstration of conventional munitions and explosives demilitarization technologies that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives.

SEC. 227. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) LIMITATION.—Not more than three percent of the total amount appropriated for research and development under the Defense Airborne Reconnaissance program pursuant to the authorizations of appropriations in section 201 may be obligated for systems engineering and technical assistance (SETA) contracts until—

(1) funds are obligated (out of such appropriated funds) for—

(A) the upgrade of U-2 aircraft senior year electro-optical reconnaissance sensors to the newest configuration; and

(B) the upgrade of the U-2 SIGINT system; and

(2) the Under Secretary of Defense for Acquisition and Technology submits the report required under subsection (b).
(b) Report on U-2-Related Upgrades.—(1) Not later than April 1, 1996, the Under Secretary of Defense for Acquisition and Technology shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on obligations of funds for upgrades relating to airborne reconnaissance by U-2 aircraft.

(2) The report shall set forth the specific purposes under the general purposes described in subparagraphs (A) and (B) of subsection (a)(1) for which funds have been obligated (as of the date of the report) and the amounts that have been obligated (as of such date) for those specific purposes.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.
This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".

SEC. 232. FINDINGS.
Congress makes the following findings:

(1) The emerging threat that is posed to the national security interests of the United States by the proliferation of ballistic missiles is significant and growing, both in terms of numbers of missiles and in terms of the technical capabilities of those missiles.

(2) The deployment of ballistic missile defenses is a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of the means of their delivery and to defend against the consequences of such proliferation.

(3) The deployment of effective Theater Missile Defense systems can deter potential adversaries of the United States from escalating a conflict by threatening or attacking United States forces or the forces or territory of coalition partners or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(4) United States intelligence officials have provided intelligence estimates to congressional committees that (A) the trend in missile proliferation is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new, indigenously developed ballistic missile threat to the continental United States is not foreseen within the next ten years, determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(5) The development and deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(6) The concept of mutual assured destruction (based upon an offense-only form of deterrence), which is the major philosophical rationale underlying the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) The development and deployment of a National Missile Defense system against the threat of limited ballistic missile attacks—

(A) would strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaty (START-I); and
(B) would further strengthen deterrence if reductions below the levels permitted under START-I should be agreed to and implemented in the future.

(8) The distinction made during the Cold War, based upon the technology of the time, between strategic ballistic missiles and nonstrategic ballistic missiles, which resulted in the distinction made in the ABM Treaty between strategic defense and nonstrategic defense, has become obsolete because of technological advancement (including the development by North Korea of long-range Taepo-Dong I and Taepo-Dong II missiles) and, therefore, that distinction in the ABM Treaty should be reviewed.

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States; and
(2) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) Establishment of Core Program.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC-3 system, with a first unit equipped (FUE) during fiscal year 1998.
(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.
(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.
(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) Use of Streamlined Acquisition Procedures.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) Interoperability and Support of Core Systems.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;
(B) airborne sensors; and
(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) Follow-on Systems.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense
systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

(A) the requirements for the system and the specific threats that such system is designed to counter;
(B) how the system will relate to, support, and build upon existing core systems;
(C) the planned acquisition strategy for the system; and
(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and follow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with respect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered.

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM TREATY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular Theater Missile Defense system with the ABM Treaty, the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall be made not later than 60 days after the date of the enactment of this Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM Treaty that differs from the policy described in section 235(b)(1), the Secretary shall include with the transmittal under that paragraph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy described in section 235(b)(1); and
(B) how the application of that policy (rather than the policy described in section 235(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—
(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) Sense of Congress concerning compliance policy.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty; and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) Prohibition on funding.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) Exceptions.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

(e) ABM-qualifying flight test defined.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.
SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term “ABM Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.


Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) The Corps Surface-to-Air Missile (SAM) system.

(6) Other Theater Missile Defense Activities.

(7) National Missile Defense.

(8) Follow-On and Support Technologies.
(b) Treatment of Core Theater Missile Defense Programs.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.

(c) BM/C³I Programs.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C³I) shall be included in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.

(d) Management and Support.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595) is amended to read as follows:

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(a) Testing of Theater Missile Defense Interceptors.—

(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the

(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.
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SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:


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(9) Section 2609 of title 10, United States Code.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 261. PRECISION-GUIDED MUNITIONS.

(a) Analysis Required.—The Secretary of Defense shall perform an analysis of the full range of precision-guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision-guided munitions that are needed to provide complementary capabilities against each target class.

(2) The feasibility of carrying out joint development and procurement of additional types of munitions by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision-guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing the acquisition of—

(A) interim precision-guided munitions; or

(B) precision-guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) Report.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision-guided munitions;

(B) avoids duplication and redundancy in the precision-guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision-guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision-guided munition for initial low-rate production.

(c) Funding Limitation.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision-guided munitions after April 15, 1996, unless the Secretary of Defense has submitted the report under subsection (b).

(d) Interim Precision-Guided Munition Defined.—For purposes of subsection (c), a precision-guided munition is an interim precision-guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 that are covered by the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.
SEC. 262. REVIEW OF C 4I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C 4I) with a special focus on cross-service and inter-service issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

1. The match between the capabilities provided by current service and defense-wide C 4I programs and the actual needs of users of these programs.
2. The interoperability of service and defense-wide C 4I systems that are planned to be operational in the future.
3. The need for an overall defense-wide architecture for C 4I.
4. Proposed strategies for ensuring that future C 4I acquisitions are compatible and interoperable with an overall architecture.
5. Technological and administrative aspects of the C 4I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

(d) REPORTS.—(1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C 4I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

2. To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.
(b) **DEADLINE.**—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

**SEC. 264. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.**

Section 2361(c)(2) of title 10, United States Code, is amended—
(1) by striking out “calendar year” and inserting in lieu thereof “fiscal year”;
(2) by striking out “the year after the year” and inserting in lieu thereof “the fiscal year after the fiscal year”.

**SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.**

(a) **FINDINGS.**—Congress finds the following:
(1) It is in the Nation’s long-term national security interests for the United States to maintain preeminence in the area of aeronautical research and test capabilities.
(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.
(3) It is in the national security and economic interests of the United States and the budgetary interests of the Department of Defense for the department to encourage the establishment of active partnerships between the department and other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities.

(b) **REVIEW.**—The Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(c) **REPORT.**—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b).
(2) The report shall include the following:
(A) The options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry.
(B) The projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).
(C) Recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

### Subtitle F—Other Matters

**SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.**

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—
(1) in subsection (a), by striking out “to help achieve” and all that follows through the end of the subsection and inserting in lieu thereof “to ensure that lithographic processes
being developed by United States-owned companies or United States-incorporated companies operating in the United States will lead to superior performance electronics systems for the Department of Defense.

(2) in subsection (b), by adding at the end the following new paragraph:

“(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations made by the Semiconductor Industry Association as being advisory in nature.”;

(3) in subsection (c)—

(A) by inserting “Defense” before “Advanced”;

(B) by striking out “ARPA” both places it appears and inserting in lieu thereof “DARPA”;

(4) by adding at the end the following:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘United States-owned company’ means a company the majority ownership or control of which is held by citizens of the United States.

“(2) The term ‘United States-incorporated company’ means a company that the Secretary of Defense finds is incorporated in the United States and has a parent company that is incorporated in a country—

“(A) that affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

“(B) that affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

“(C) that affords adequate and effective protection for the intellectual property rights of United States-owned companies.”.

SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG-M) SYSTEM.

(a) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 enhanced fiber optic guided test missiles.

(B) 256 fully operational enhanced fiber optic guided missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG-M) system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

(3) The Secretary of the Army may not enter into an advanced development phase for the EFOG-M system unless—

(A) an advanced concept technology demonstration of the system has been successfully completed; and

(B) the Secretary certifies to the congressional defense committees that there is a requirement for the EFOG-M system that is supported by a cost and operational effectiveness analysis.

(b) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall ensure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG-M system is provided to the prime contractor in accordance with the terms of the contract.
SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

"(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to $\frac{1}{3}$ of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be (to be determined in consultation with the Secretary of Defense);"

SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EFFORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.

(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

(d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near-to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.
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(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

(f) Definition.—For the purposes of this section, the term “cruise missile defense programs” means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

SEC. 275. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out “shall” both places it appears and inserting in lieu thereof “may”; and

(2) in subsection (e), by striking out the sentence beginning with “Such selection process”.

SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.

(a) In General.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended—

(A) by striking out “Science and”; and

(B) by inserting after the first sentence the following: “The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.”.

(3) Subsection (c) is amended—

(A) by inserting “(1)” after “(c) Execution.—”; and

(B) by adding at the end the following:

“(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.”.

(4) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out “or” at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof “; or”; and

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

“(C) will be carried out by an institution of higher education.”;

and

(B) by adding at the end the following new paragraphs:

“(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost is two to one.

“(4) If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.”.
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SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) Five-Year Plan.—The Secretary of Defense, acting through the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, and the Vice Chief of Staff of the Air Force (in their roles as test and evaluation executive agent board of directors) shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) Objective.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) Previously Developed Data Required To Be Used.—In developing the plan, the Secretary shall use the following:

(1) Data and results obtained by the Test and Evaluation Joint Cross-Service Group and the Laboratory Joint Cross-Service Group in developing recommendations for the 1995 report of the Defense Base Closure and Realignment Commission.

(2) The report dated March 1994 on the consolidation and streamlining of the test and evaluation infrastructure, commissioned by the test and evaluation board of directors, along with all supporting data and reports.

(d) Matters To Be Considered.—In developing the plan, the Secretary shall consider, at a minimum, the following:

(1) Consolidation of common support functions, including the following:
   (A) Aircraft (fixed wing and rotary) support.
   (B) Weapons support.
   (C) Space systems support.
   (D) Support of command, control, communications, computers, and intelligence.

(2) The extent to which any military construction, acquisition of equipment, or modernization of equipment is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The total cost to the Federal Government of continuing to operate the laboratories and centers.

(5) The cost savings and program effectiveness of locating laboratories and centers at the same sites.

(6) Any loss of expertise resulting from the consolidations.

(7) Whether any legislation is necessary to provide the Secretary with any additional authority necessary to accomplish the downsizing and consolidation of the laboratories and centers.

(e) Report.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan. The report shall include an identification of any additional legislation that the Secretary considers necessary in order for the Secretary to accomplish the downsizing and consolidation of the laboratories and centers.

(f) Limitation.—Of the amounts appropriated or otherwise made available pursuant to an authorization of appropriations in section 201 for the central test and evaluation investment development program, not more than 75 percent may be obligated before the report required by subsection (e) is submitted to Congress.
SEC. 278. LIMITATION ON T-38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T-38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

1. in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

2. in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term “United States entity” means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 279. GLOBAL POSITIONING SYSTEM.

(a) CONDITIONAL PROHIBITION ON USE OF SELECTIVE AVAILABILITY FEATURE.—Except as provided in subsection (b), after May 1, 1996, the Secretary of Defense may not (through use of the feature known as “selective availability”) deny access of non-Department of Defense users to the full capabilities of the Global Positioning System.

(b) PLAN.—Subsection (a) shall cease to apply upon submission by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of a plan for enhancement of the Global Positioning System that provides for—

1. development and acquisition of effective capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system, together with a specific date by which those capabilities could be operational; and

2. development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption, together with a specific date by which those receivers and other techniques could be operational with United States military forces.

SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 763) is amended by striking out “to make available” and all that follows and inserting in lieu thereof “to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of those areas in the center that are designated for general use.”.

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read as follows:

“(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

(2) The Foundation, or NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, shall submit to
the Secretary for review and approval all matters pertaining to
the acquisition, design, renovation, equipping, and furnishing of
the center, including all plans, specifications, contracts, sites, and
materials for the center.”

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—
Subsection (d) of such section is amended to read as follows:

“(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3),
the Secretary may accept a conditional or unconditional donation
of money or property that is made for the benefit of, or in connection
with, the center.

“(2) Notwithstanding any other provision of law, the Secretary
may endorse, promote, and assist the efforts of the Foundation
and NSC Discovery Center, Incorporated, to obtain—

“A) funds for the management, operation, and maintenance
of the center; and

“B) donations of exhibits, equipment, and other property
for use in the center.

“(3) The Secretary may not accept a donation under this sub-
section that is made subject to—

“A) any condition that is inconsistent with an applicable
law or regulation; or

“B) except to the extent provided in appropriations Acts,
any condition that would necessitate an expenditure of appro-
priated funds.

“(4) The Secretary shall prescribe in regulations the criteria
to be used in determining whether to accept a donation. The Sec-
retary shall include criteria to ensure that acceptance of a donation
does not establish an unfavorable appearance regarding the fairness
and objectivity with which the Secretary or any other officer or
employee of the Department of Defense performs official responsibil-
ities and does not compromise or appear to compromise the integrity
of a Government program or any official involved in that program.”.

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in paragraph (1) of subsection (f), as redesignated by
paragraph (2), by inserting “areas designated for use by the
Army in” after “The Secretary may make”.

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGE-
MENT.—Such section, as amended by subsection (d), is further
amended by adding at the end the following:

“(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGE-
MENT OF THE CENTER.—(1) The Secretary may enter into an agree-
ment with NSC Discovery Center, Incorporated, to develop, manage,
and maintain a national science center under this section. In enter-
ing into an agreement with NSC Discovery Center, Incorporated,
the Secretary may agree to any term or condition to which the
Secretary is authorized under this section to agree for purposes
of entering into an agreement with the Foundation.

“(2) The Secretary may exercise the authority under paragraph
(1) in addition to, or instead of, exercising the authority provided
under this section to enter into an agreement with the Foundation.”.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year
1996 for the use of the Armed Forces and other activities and
agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,746,695,000.
(2) For the Navy, $21,493,155,000.
(3) For the Marine Corps, $2,521,822,000.
(4) For the Air Force, $18,719,277,000.
(5) For Defense-wide activities, $9,910,476,000.
(6) For the Army Reserve, $1,129,191,000.
(7) For the Naval Reserve, $868,342,000.
(8) For the Marine Corps Reserve, $100,283,000.
(9) For the Air Force Reserve, $1,516,287,000.
(10) For the Army National Guard, $2,361,808,000.
(11) For the Air National Guard, $2,760,121,000.
(12) For the Defense Inspector General, $138,226,000.
(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.
(14) For Environmental Restoration, Defense, $1,422,200,000.
(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.
(16) For Medical Programs, Defense, $9,876,525,000.
(17) For support for the 1996 Summer Olympics, $15,000,000.
(18) For Cooperative Threat Reduction programs, $300,000,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.
(2) For the National Defense Sealift Fund, $1,024,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Transfer Authority.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.
(2) For the Navy, $50,000,000.
(3) For the Air Force, $50,000,000.

(b) Treatment of Transfers.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and
(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) Relationship to Other Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.
SEC. 305. CIVIL AIR PATROL.

Of the amounts authorized to be appropriated pursuant to this Act, there shall be made available to the Civil Air Patrol $24,500,000, of which $14,704,000 shall be made available for the Civil Air Patrol Corporation.

Subtitle B—Depot-Level Activities

SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense does not have a comprehensive policy regarding the performance of depot-level maintenance and repair of military equipment.

(2) The absence of such a policy has caused the Congress to establish guidelines for the performance of such functions.

(3) It is essential to the national security of the United States that the Department of Defense maintain an organic capability within the department, including skilled personnel, technical competencies, equipment, and facilities, to perform depot-level maintenance and repair of military equipment in order to ensure that the Armed Forces of the United States are able to meet training, operational, mobilization, and emergency requirements without impediment.

(4) The organic capability of the Department of Defense to perform depot-level maintenance and repair of military equipment must satisfy known and anticipated core maintenance and repair requirements across the full range of peacetime and wartime scenarios.

(5) Although it is possible that savings can be achieved by contracting with private-sector sources for the performance of some work currently performed by Department of Defense depots, the Department of Defense has not determined the type or amount of work that should be performed under contract with private-sector sources nor the relative costs and benefits of contracting for the performance of such work by those sources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a compelling need for the Department of Defense to articulate known and anticipated core maintenance and repair requirements, to organize the resources of the Department of Defense to meet those requirements economically and efficiently, and to determine what work should be performed by the private sector and how such work should be managed.

(c) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense that maintains the capability described in section 2464 of title 10, United States Code.

(d) CONTENT OF POLICY.—In developing the policy, the Secretary of Defense shall do each of the following:

(1) Identify for each military department, with the concurrence of the Secretary of that military department, those depot-level maintenance and repair activities that are necessary to ensure the depot-level maintenance and repair capability as required by section 2464 of title 10, United States Code.

(2) Provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(3) Provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities that—
(A) is of the proper size (i) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to mobilizations and military contingencies, and (ii) to provide for rapid augmentation in time of emergency; and
(B) is assigned sufficient workload to ensure cost efficiency and technical proficiency in time of peace.

(4) Address environmental liability.

(5) In the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private-sector competition and technical capabilities.

(6) Address issues concerning exchange of technical data between the Federal Government and the private sector.

(7) Provide for, in the Secretary's discretion and after consultation with the Secretaries of the military departments, the transfer from one military department to another, in accordance with merit-based selection processes, workload that supports the core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(8) Require that, in any competition for a workload (whether among private-sector sources or between depot-level activities of the Department of Defense and private-sector sources), bids are evaluated under a methodology that ensures that appropriate costs to the Government and the private sector are identified.

(9) Provide for the performance of maintenance and repair for any new weapons systems defined as core, under section 2464 of title 10, United States Code, in facilities owned and operated by the United States.

(e) CONSIDERATIONS.—In developing the policy, the Secretary shall take into consideration the following matters:

(1) The national security interests of the United States.

(2) The capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(3) Any applicable recommendations of the Defense Base Closure and Realignment Commission that are required to be implemented under the Defense Base Closure and Realignment Act of 1990.

(4) The extent to which the readiness of the Armed Forces would be affected by a necessity to construct new facilities to accommodate any redistribution of depot-level maintenance and repair workloads that is made in accordance with the recommendation of the Defense Base Closure and Realignment Commission, under the Defense Base Closure and Realignment Act of 1990, that such workloads be consolidated at Department of Defense depots or private-sector facilities.

(5) Analyses of costs and benefits of alternatives, including a comparative analysis of—

(A) the costs and benefits, including any readiness implications, of any proposed policy to convert to contractor performance of depot-level maintenance and repair workloads where the workload is being performed by Department of Defense personnel; and

(B) the costs and benefits, including any readiness implications, of a policy to transfer depot-level maintenance and repair workloads among depots.

(f) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.
(2) The table of sections at the beginning of chapter 146 of such title is amended by striking out the items relating to sections 2466 and 2469.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision that specifically states one of the following:

(A) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved."; or

(B) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:" (with the modifications being stated in matter appearing after the colon).

(g) ANNUAL REPORT.—If legislation referred to in subsection (f)(3) is enacted, the Secretary of Defense shall, not later than March 1 of each year (beginning with the year after the year in which such legislation is enacted), submit to Congress a report that—

(1) specifies depot maintenance core capability requirements determined in accordance with the procedures established to comply with the policy prescribed pursuant to subsections (d)(2) and (d)(3);

(2) specifies the planned amount of workload to be accomplished by the depot-level activities of each military department in support of those requirements for the following fiscal year; and

(3) identifies the planned amount of workload, which—

(A) shall be measured by direct labor hours and by amounts to be expended; and

(B) shall be shown separately for each commodity group.

(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department of Defense in developing the policy under subsections (c) through (e) of this section.

(2) Not later than 45 days after the date on which the Secretary submits to Congress the report required by subsection (c), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under such subsection.

(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall, to the maximum extent practicable, include the following:

(1) An analysis of the need for and effect of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Government personnel, including a description of the effect on military readiness and the national security resulting from that requirement and a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.
(2) An analysis of the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution.

(3) A projection of the distribution during the five fiscal years beginning with fiscal year 1997 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution that would be accomplished under a new policy as required under subsection (c).

(j) OTHER REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (i). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than 45 days after the date on which the Secretary of Defense submits to Congress the report required under subsection (i), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the report submitted under that subsection.

SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2472. Management of depot employees

"(b) ANNUAL REPORT.—Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees."

(b) TRANSFER OF SUBSECTION.—Subsection (b) of section 2466 of title 10, United States Code, is transferred to section 2472 of such title, as added by subsection (a), redesignated as subsection (a), and inserted after the section heading.

(c) SUBMISSION OF INITIAL REPORT.—The report under subsection (b) of section 2472 of title 10, United States Code, as added by subsection (a), for fiscal year 1996 shall be submitted not later than March 15, 1996 (notwithstanding the date specified in such subsection).
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(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Management of depot employees."

SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.


SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

"(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

Subtitle C—Environmental Provisions

SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

"(d) SERVICES OF OTHER AGENCIES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

"(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities.

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $10,000,000. (B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year 1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary.
during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code, is amended to read as follows:

“(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

“(1) Amounts recovered under CERCLA for response actions of the Secretary.

“(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.”.

SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It shall be the goal of the Secretary of Defense to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to Congress a report that contains specific, detailed information on—

(1) the extent to which the Secretary has attained the goal described in subsection (a) as of the date of the submission of the report; and

(2) if the Secretary has not attained such goal by such date, the actions the Secretary plans to take to attain the goal.

SEC. 324. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

“(2)(A) The Secretary shall prescribe regulations regarding the establishment, characteristics, composition, and funding of restoration advisory boards pursuant to this subsection.

“(B) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.”.

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

“(3) The Secretary may authorize the commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).”.

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

“(e) TECHNICAL ASSISTANCE.—(1) The Secretary may, upon the request of the technical review committee or restoration advisory board for an installation, authorize the commander of the installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental
hazards at the installation and the restoration activities conducted, or proposed to be conducted, at the installation. The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

"(2) The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

"(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained; or

"(B) the technical assistance—

"(i) is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

"(ii) is likely to contribute to community acceptance of environmental restoration activities at the installation."

(d) FUNDING.—(1) Such section is further amended by adding at the end the following new subsection:

"(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available for administrative expenses and technical assistance under this section using funds in the following accounts:

"(1) In the case of a military installation not approved for closure pursuant to a base closure law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

"(2) In the case of an installation approved for closure pursuant to such a law, the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)."

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $6,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding after subsection (g) (as added by subsection (d)) the following new subsection:

"(h) DEFINITION.—In this section, the term 'base closure law' means the following:


"(3) Section 2687 of this title.

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:
“(J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.”

SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

“(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

“(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

“(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

“(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with such section. The Secretary of Defense shall require the use of a marine pollution control device on board a vessel of the Armed Forces in any case in which it is determined that the use of such a device is reasonable and practicable.

“(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

“(i) the nature of the discharge;

“(ii) the environmental effects of the discharge;

“(iii) the practicability of using the marine pollution control device;

“(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

“(v) applicable United States law;

“(vi) applicable international standards; and

“(vii) the economic costs of the installation and use of the marine pollution control device.

“(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

“(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Fed-
eral agencies, and interested States, shall jointly promul-
gate Federal standards of performance for each marine
pollution control device required with respect to the dis-
charge. Notwithstanding subsection (a)(1) of section 553
of title 33, United States Code, the Administrator and the
Secretary of Defense shall promulgate the standards in
accordance with such section.

“(B) Considerations.—In promulgating standards
under this paragraph, the Administrator and the Secretary
of Defense shall take into consideration the matters set
forth in paragraph (2)(B).

“(C) Classes, Types, and Sizes of Vessels.—The
standards promulgated under this paragraph may—

“(i) distinguish among classes, types, and sizes
of vessels;

“(ii) distinguish between new and existing vessels;

and

“(iii) provide for a waiver of the applicability of
the standards as necessary or appropriate to a particu-
lar class, type, age, or size of vessel.

“(4) Regulations for Use of Marine Pollution Control
Devices.—The Secretary of Defense, after consultation with
the Administrator and the Secretary of the department in which
the Coast Guard is operating, shall promulgate such regulations
governing the design, construction, installation, and use of
marine pollution control devices on board vessels of the Armed
Forces as are necessary to achieve the standards promulgated
under paragraph (3).

“(5) Deadlines; Effective Date.—

“(A) Determinations.—The Administrator and the
Secretary of Defense shall—

“(i) make the initial determinations under para-
graph (2) not later than 2 years after the date of
the enactment of this subsection; and

“(ii) every 5 years—

“(I) review the determinations; and

“(II) if necessary, revise the determinations
based on significant new information.

“(B) Standards.—The Administrator and the Sec-
retary of Defense shall—

“(i) promulgate standards of performance for a
marine pollution control device under paragraph (3)
not later than 2 years after the date of a determination
under paragraph (2) that the marine pollution control
device is required; and

“(ii) every 5 years—

“(I) review the standards; and

“(II) if necessary, revise the standards, consist-
ent with paragraph (3)(B) and based on significant
new information.

“(C) Regulations.—The Secretary of Defense shall
promulgate regulations with respect to a marine pollution
control device under paragraph (4) as soon as practicable
after the Administrator and the Secretary of Defense
promulgate standards with respect to the device under
paragraph (3), but not later than 1 year after the Adminis-
trator and the Secretary of Defense promulgate the stand-
ards. The regulations promulgated by the Secretary of
Defense under paragraph (4) shall become effective upon
promulgation unless another effective date is specified in
the regulations.

“(D) Petition for Review.—The Governor of any State
may submit a petition requesting that the Secretary of
Defense and the Administrator review a determination
under paragraph (2) or a standard under paragraph (3),
if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

“(6) EFFECT ON OTHER LAWS.—

“(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

“(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

“(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control discharges from a vessel of the Armed Forces.

“(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

“(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

“(A) STATE PROHIBITION.—

“(i) IN GENERAL.—After the effective date of—

“(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

“(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

“(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

“(B) PROHIBITION BY THE ADMINISTRATOR.—

“(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

“(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;
"(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

"(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

"(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

"(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—

A prohibition under this paragraph—

"(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

"(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

"(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

"(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

"(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

"(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking "or"; and

(ii) by inserting "or agency of the United States," after "association,";

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(12) ‘discharge incidental to the normal operation of a vessel’ means a discharge, including—

"(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent,
and any other pollutant discharge from the operation
of a marine propulsion system, shipboard maneuvering
system, crew habitability system, or installed major
equipment, such as an aircraft carrier elevator or a
catapult, or from a protective, preservative, or absorp-
tive application to the hull of the vessel; and
"(ii) a discharge in connection with the testing,
maintenance, and repair of a system described in
clause (i) whenever the vessel is waterborne; and
"(B) does not include—
"(i) a discharge of rubbish, trash, garbage, or other
such material discharged overboard;
"(ii) an air emission resulting from the operation
of a vessel propulsion system, motor driven equipment,
or incinerator; or
"(iii) a discharge that is not covered by part 122.3
of title 40, Code of Federal Regulations (as in effect
on the date of the enactment of subsection (n));
"(13) `marine pollution control device' means any equipment
or management practice, for installation or use on board a
vessel of the Armed Forces, that is—
"(A) designed to receive, retain, treat, control, or dis-
charge a discharge incidental to the normal operation of
a vessel; and
"(B) determined by the Administrator and the Sec-
retary of Defense to be the most effective equipment or
management practice to reduce the environmental impacts
of the discharge consistent with the considerations set forth
in subsection (n)(2)(B); and
"(14) `vessel of the Armed Forces' means—
"(A) any vessel owned or operated by the Department
of Defense, other than a time or voyage chartered vessel;
and
"(B) any vessel owned or operated by the Department
of Transportation that is designated by the Secretary of
the department in which the Coast Guard is operating
as a vessel equivalent to a vessel described in subparagraph
(A)."
(2) ENFORCEMENT.—The first sentence of section 312(j) of
the Federal Water Pollution Control Act (33 U.S.C. 1322(j))
is amended—
(A) by striking "of this section or” and inserting a
comma; and
(B) by striking "of this section shall” and inserting
", or subsection (n)(8) shall”.
(3) OTHER DEFINITIONS.—Subparagraph (A) of the second
sentence of section 502(6) of the Federal Water Pollution Con-
trol Act (33 U.S.C. 1362(6)) is amended by striking "sewage
from vessels” and inserting "sewage from vessels or a dis-
charge incidental to the normal operation of a vessel of the
Armed Forces”.
(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Adminis-
trator of the Environmental Protection Agency and the Secretary
of Defense may, by mutual agreement, with or without reimburse-
ment, provide for the use of information, reports, personnel, or
other resources of the Environmental Protection Agency or the
Department of Defense to carry out section 312(n) of the Federal
Water Pollution Control Act (as added by subsection (b)), including
the use of the resources—
(1) to determine—
(A) the nature and environmental effect of discharges
incidental to the normal operation of a vessel of the Armed
Forces;
(B) the practicability of using marine pollution control
devices on vessels of the Armed Forces; and
(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and
(2) to establish performance standards for marine pollution control devices on vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. OPERATION OF COMMISSARY SYSTEM.

(a) Cooperation With Other Entities.—Section 2482 of title 10, United States Code, is amended—
(1) in the section heading, by striking out “private”;
(2) by inserting “(a) PRIVATE OPERATION.—” before “Private persons”; and
(3) by adding at the end the following new subsection:

“(b) Contracts With Other Agencies and Instrumentalities.—(1) The Defense Commissary Agency, and any other agency of the Department of Defense that supports the operation of the commissary system, may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide services beneficial to the efficient management and operation of the commissary system.

“(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.”

(b) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

“2482. Commissary stores: operation.”.

SEC. 332. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: “unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor”.

SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) Economical Distribution.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after “most competitive source” the following: “and distributed in the most economical manner”.

(b) Determination of Most Economical Distribution Method.—Such section is further amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection:

“(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund
instrumentality of the Department of Defense provides the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including costs associated with management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

"(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).

"(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection."

SEC. 334. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2643. Commissary and exchange services: transportation overseas

"The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2643. Commissary and exchange services: transportation overseas."

SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROJECT REQUIRED.—(1) The Secretary of Defense shall conduct a demonstration project to evaluate the feasibility of using only nonappropriated funds to support morale, welfare, and recreation programs at military installations in order to facilitate the procurement of property and services for those programs and the management of employees used to carry out those programs.

(2) Under the demonstration project—

(A) procurements of property and services for programs referred to in paragraph (1) may be carried out in accordance with laws and regulations applicable to procurements paid for with nonappropriated funds; and

(B) appropriated funds available for such programs may be expended in accordance with laws applicable to expenditures of nonappropriated funds as if the appropriated funds were nonappropriated funds.

(3) The Secretary shall prescribe regulations to carry out paragraph (2). The regulations shall provide for financial management and accounting of appropriated funds expended in accordance with subparagraph (B) of such paragraph.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary shall select not less than three and not more than six military installations to participate in the demonstration project.
C Period of Demonstration Project.—The demonstration project shall terminate not later than September 30, 1998.

(d) Effect on Employees.—For the purpose of testing fiscal accounting procedures, the Secretary may, convert, for the duration of the demonstration project, the status of an employee who carries out a program referred to in subsection (a)(1) from the status of an employee paid by appropriated funds to the status of a nonappropriated fund instrumentality employee, except that such conversion may occur only—

(1) if the employee whose status is to be converted—
   (A) is fully informed of the effects of such conversion on the terms and conditions of the employment of that employee for purposes of title 5, United States Code, and on the benefits provided to that employee under such title; and
   (B) consents to such conversion; or

(2) in a manner which does not affect such terms and conditions of employment or such benefits.

(e) Reports.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the implementation of this section.

(2) Not later than December 31, 1998, the Secretary shall submit to Congress a final report on the results of the demonstration project. The report shall include a comparison of—

(A) the cost incurred under the demonstration project in using employees paid by appropriated funds together with non-appropriated fund instrumentality employees to carry out the programs referred to in subsection (a)(1); and

(B) an estimate of the cost that would have been incurred if only nonappropriated fund instrumentality employees had been used to carry out such programs.

SEC. 336. OPERATION OF COMBINED EXCHANGE AND COMMISSARY STORES.

(a) In General.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

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§ 2490a. Combined exchange and commissary stores

(a) Authority.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to operate a military exchange and a commissary store as a combined exchange and commissary store on a military installation.

(b) Limitations.—(1) Not more than ten combined exchange and commissary stores may be operated pursuant to this section.

(2) The Secretary may select a military installation for the operation of a combined exchange and commissary store under this section only if—

(A) the installation is to be closed, or has been or is to be realigned, under a base closure law; or

(B) a military exchange and a commissary store are operated at the installation by separate entities at the time of, or immediately before, such selection and it is not economically feasible to continue that separate operation.

(c) Operation at Carswell Field.—Combined exchange and commissary stores operated under this section shall include the combined exchange and commissary store that is operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas, under the authority provided in section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2736).

(d) Adjustments and Surcharges.—Adjustments to, and surcharges on, the sales price of a grocery food item sold in a combined exchange and commissary store under this section shall be provided for in accordance with the same laws that govern such adjustments
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and surcharges for items sold in a commissary store of the Defense Commissary Agency.

“(e) Use of Appropriated Funds.—(1) If a nonappropriated fund instrumentality incurs a loss in operating a combined exchange and commissary store at a military installation under this section as a result of the requirement set forth in subsection (d), the Secretary may authorize a transfer of funds available for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss.

“(2) The total amount of appropriated funds transferred during a fiscal year to support the operation of a combined exchange and commissary store at a military installation under this section may not exceed an amount that is equal to 25 percent of the amount of appropriated funds that was provided for the operation of the commissary store of the Defense Commissary Agency on that installation during the last full fiscal year of operation of that commissary store.

“(f) Definitions.—In this section:

“(1) The term ‘nonappropriated fund instrumentality’ means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

“(2) The term ‘base closure law’ has the meaning given such term by section 2667(g) of this title.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2490a. Combined exchange and commissary stores.”.

(b) Conforming Amendment.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out “, until December 31, 1995.”.

SEC. 337. DEFERRED PAYMENT PROGRAMS OF MILITARY EXCHANGES.

(a) Use of Commercial Banking Institution.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a commercial banking institution under which the institution agrees to finance and operate the deferred payment program of the Army and Air Force Exchange Service and the deferred payment program of the Navy Exchange Service Command. The Secretary shall use competitive procedures to enter into an agreement under this paragraph.

(2) In order to facilitate the transition of the operation of the programs referred to in paragraph (1) to commercial operation under an agreement described in that paragraph, the Secretary may initially limit the scope of any such agreement so as to apply to only one of the programs.

(b) Report.—Not later than December 31, 1995, the Secretary shall submit to Congress a report on the implementation of this section. The report shall also include an analysis of the impact of the deferred payment programs referred to in subsection (a)(1), including the impact of the default and collection procedures under such programs, on members of the Armed Forces and their families.

SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not less than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of
the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement options identified in the study to achieve the greater efficiencies referred to in subsection (a).

SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report that reviews the report on the costs and benefits of converting to operation of Navy ships' stores by non-appropriated fund instrumentalities that the Navy Audit Agency prepared in connection with the postponement of the deadline for the conversion provided for in section 374(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out “a military department” and inserting in lieu thereof “an armed force”;

(2) in the second sentence—

(A) by striking out “, department-wide”;

(B) by striking out “of the military department” and inserting in lieu thereof “for that armed force”; and

(3) by adding at the end the following: “This section does not apply to the Coast Guard.”.

SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS.

(a) IN GENERAL.—Section 1065 of title 10, United States Code, is amended to read as follows:

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§ 1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents

(a) MEMBERS OF THE SELECTED RESERVE.—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.
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"(b) Members of Ready Reserve Not in Selected Reserve.—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

"(c) Reserve Retirees Under Age 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

"(d) Dependents.—(1) Dependents of a member who is permitted under subsection (a) or (b) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members on active duty.

"(2) Dependents of a member who is permitted under subsection (c) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

"(e) MWR Retail Facility Defined.—In this section, the term ‘MWR retail facilities’ means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.’’

(b) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 54 of such title is amended to read as follows:

"1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.’’

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) Requirement for Competitive Procurement.—Except as provided in subsection (b), the Secretary of Defense shall, during fiscal year 1996 and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

(b) Exception for Classified Information.—The requirement of subsection (a) shall not apply to the procurement of services for printing and duplicating classified documents and information.

SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

(a) Implementation of Direct Vendor Delivery System.—Not later than September 30, 1997, the Secretary of Defense shall, to the maximum extent practicable, implement a system under which consumable inventory items referred to in subsection (b) are delivered to military installations throughout the United States directly by the vendors of those items. The purpose for implementing the system is to reduce the expense and necessity of maintaining extensive warehouses for those items within the Department of Defense.

(b) Covered Items.—The items referred to in subsection (a) are the following:

(1) Food and clothing.
(2) Medical and pharmaceutical supplies.
(3) Automotive, electrical, fuel, and construction supplies.
(4) Other consumable inventory items the Secretary considers appropriate.
SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) Plan for Private Operation of Certain Functions.—

(1) Not later than October 1, 1996, the Secretary of Defense shall submit to Congress a plan for the performance by private-sector sources of payroll functions for civilian employees of the Department of Defense other than employees paid from nonappropriated funds.

(2)(A) The Secretary shall implement the plan referred to in paragraph (1) if the Secretary determines that the cost of performance by private-sector sources of the functions referred to in that paragraph does not exceed the cost of performance of those functions by employees of the Federal Government.

(B) In computing the total cost of performance of such functions by employees of the Federal Government, the Secretary shall include the following:

(i) Managerial and administrative costs.

(ii) Personnel costs, including the cost of providing retirement benefits for such personnel.

(iii) Costs associated with the provision of facilities and other support by Federal agencies.

(C) The Defense Contract Audit Agency shall verify the costs computed for the Secretary under this paragraph by others.

(3) At the same time the Secretary submits the plan required by paragraph (1), the Secretary shall submit to Congress a report on other accounting and finance functions of the Department that are appropriate for performance by private-sector sources.

(b) Pilot Program for Private Operation of NAFI Functions.—

(1) The Secretary shall carry out a pilot program to test the performance by private-sector sources of payroll and other accounting and finance functions of nonappropriated fund instrumentalities and to evaluate the extent to which cost savings and efficiencies would result from the performance of such functions by those sources.

(2) The payroll and other accounting and finance functions designated by the Secretary for performance by private-sector sources under the pilot program shall include at least one major payroll, accounting, or finance function.

(3) To carry out the pilot program, the Secretary shall enter into discussions with private-sector sources for the purpose of developing a request for proposals to be issued for performance by those sources of functions designated by the Secretary under paragraph (2). The discussions shall be conducted on a schedule that accommodates issuance of a request for proposals within 60 days after the date of enactment of this Act.

(4) A goal of the pilot program is to reduce by at least 25 percent the total costs incurred by the Department annually for the performance of a function referred to in paragraph (2) through the performance of that function by a private-sector source.

(5) Before conducting the pilot program, the Secretary shall develop a plan for the program that addresses the following:

(A) The purposes of the program.

(B) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in paragraph (4).

(C) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(D) A mechanism to evaluate the program.

(E) A provision for all payroll, accounting, and finance functions of nonappropriated fund instrumentalities of the Department of Defense to be performed by private-sector
sources, if determined advisable on the basis of a final assessment of the results of the program.

(6) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this subsection.

(c) LIMITATION ON OPENING OF NEW OPERATING LOCATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.—(1) Except as provided in paragraph (2), the Secretary may not establish a new operating location for the Defense Finance and Accounting Service during fiscal year 1996.

(2) The Secretary may establish a new operating location for the Defense Finance and Accounting Service if—

(A) for a new operating location that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary reconsiders the need for establishing that new operating location; and

(B) for each new operating location, including a new operating location referred to in subparagraph (A)—

(i) the Secretary submits to Congress, as part of the report required by subsection (a)(4), an analysis of the need for establishing the new operating location; and

(ii) a period of 30 days elapses after the Congress receives the report.

(3) In this subsection, the term "new operating location" means an operating location that is not in operation on the date of the enactment of this Act, except that such term does not include an operating location for which, as of such date—

(A) the Secretary has established a date for the commencement of operations; and

(B) funds have been expended for the purpose of its establishment.

SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense in order to identify overpayments made to vendors by the Department. The demonstration program shall be conducted for the Defense Logistics Agency and include the Defense Personnel Support Center.

(b) PROGRAM REQUIREMENTS.—(1) Under the demonstration program, the Secretary shall, by contract, provide for one or more persons to audit the accounting and procurement records of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995. The Secretary may enter into more than one contract under the program.

(2) A contract under the demonstration program shall require the contractor to use data processing techniques that are generally used in audits of private-sector records similar to the records audited under the contract.

(c) AUDIT REQUIREMENTS.—In conducting an audit under the demonstration program, a contractor shall compare Department of Defense purchase agreements (and related documents) with invoices submitted by vendors under the purchase agreements. A purpose of the comparison is to identify, in the case of each audited purchase agreement, the following:

(1) Any payments to the vendor for costs that are not allowable under the terms of the purchase agreement or by law.

(2) Any amounts not deducted from the total amount paid to the vendor under the purchase agreement that should have been deducted from that amount on account of goods and services provided to the vendor by the Department.

(3) Duplicate payments.
(4) Unauthorized charges.
(5) Other discrepancies between the amount paid to the vendor and the amount actually due the vendor under the purchase agreement.

(d) Bonus Payment.—To the extent provided for in a contract under the demonstration program, the Secretary may pay the contractor a bonus in addition to any other amount paid for performance of the contract. The amount of such bonus may not exceed the amount that is equal to 25 percent of all amounts recovered by the United States on the basis of information obtained as a result of the audit performed under the contract. Any such bonus shall be paid out of amounts made available pursuant to subsection (e).

(e) Availability of Funds.—Of the amount authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available for the demonstration program.

SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS' SCHOOLS.

(a) Pilot Program.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) Selection of School for Program.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

(c) Report.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR THE DEPARTMENT OF DEFENSE.

(a) In General.—(1) The Secretary of Defense shall conduct a program to evaluate options to improve the Department of Defense travel process. To carry out the program, the Secretary shall compare the results of the tests conducted under subsection (b) to determine which travel process tested under such subsection is the better option to effectively manage travel of Department personnel.

(2) The program shall be conducted at not less than three and not more than six military installations, except that an installation may be the subject of only one test conducted under the program.

(3) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this section.

(b) Conduct of Tests.—(1) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) implements the changes proposed to be made with respect to the Department of Defense travel process by the task force on travel management that was established by the Secretary in July 1994;

(B) manages and uniformly applies that travel process (including the implemented changes) throughout the Department; and

(C) provides opportunities for private-sector sources to provide travel reservation services and credit card services to facilitate that travel process.
(2) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) enters into one or more contracts with a private-sector source pursuant to which the private-sector source manages the Department of Defense travel process (except for functions referred to in subparagraph (B)), provides for responsive, reasonably priced services as part of the travel process, and uniformly applies the travel process throughout the Department; and

(B) provides for the performance by employees of the Department of only those travel functions, such as travel authorization, that the Secretary considers to be necessary to be performed by such employees.

(3) Each test required by this subsection shall begin not later than 60 days after the date of the enactment of this Act and end two years after the date on which it began. Each such test shall also be conducted in accordance with the guidelines for travel management issued for the Department by the Under Secretary of Defense (Comptroller).

(c) Evaluation Criteria.—The Secretary shall establish criteria to evaluate the travel processes tested under subsection (b). The criteria shall, at a minimum, include the extent to which a travel process provides for the following:

1. The coordination, at the time of a travel reservation, of travel policy and cost estimates with the mission which necessitates the travel.


3. The coordination of credit card data and travel reservation data with cost estimate data.

4. The elimination of the need for multiple travel approvals through the coordination of such data with proposed travel plans.

5. A responsive and flexible management information system that enables the Under Secretary of Defense (Comptroller) to monitor travel expenses throughout the year, accurately plan travel budgets for future years, and assess, in the case of travel of an employee on temporary duty, the relationship between the cost of the travel and the value of the travel to the accomplishment of the mission which necessitates the travel.

(d) Plan for Program.—Before conducting the program, the Secretary shall develop a plan for the program that addresses the following:

1. The purposes of the program, including the achievement of an objective of reducing by at least 50 percent the total cost incurred by the Department annually to manage the Department of Defense travel process.

2. The methodology and anticipated cost of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount that does not exceed 50 percent of the total amount saved in excess of the objective specified in paragraph (1).

3. A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

4. The evaluation criteria established pursuant to subsection (c).

5. A provision for implementing throughout the Department the travel process determined to be the better option to effectively manage travel of Department personnel on the basis of a final assessment of the results of the program.
(e) **REPORT.**—After the first full year of the conduct of the tests required by subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the implementation of the program. The report shall include an analysis of the evaluation criteria established pursuant to subsection (c).

**SEC. 357. INCREASED RELIANCE ON PRIVATE-SECTOR SOURCES FOR COMMERCIAL PRODUCTS AND SERVICES.**

(a) **IN GENERAL.**—The Secretary of Defense shall endeavor to carry out through a private-sector source any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided adequately through such a source; and

(2) an adequate competitive environment exists to provide for economical performance of the activity by such a source.

(b) **APPLICABILITY.**—(1) Subsection (a) shall not apply to any commercial product or service with respect to which the Secretary determines that production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) **REPORT.**—(1) The Secretary shall identify activities of the Department (other than activities specified by the Secretary pursuant to subsection (b)) that are carried out by employees of the Department to provide commercial-type products or services for the Department.

(2) Not later than April 15, 1996, the Secretary shall transmit to the congressional defense committees a report on opportunities for increased use of private-sector sources to provide commercial products and services for the Department.

(3) The report required by paragraph (2) shall include the following:

(A) A list of activities identified under paragraph (1) indicating, for each activity, whether the Secretary proposes to convert the performance of that activity to performance by private-sector sources and, if not, the reasons why.

(B) An assessment of the advantages and disadvantages of using private-sector sources, rather than employees of the Department, to provide commercial products and services for the Department that are not essential to the warfighting mission of the Armed Forces.

(C) A specification of all legislative and regulatory impediments to converting the performance of activities identified under paragraph (1) to performance by private-sector sources.

(D) The views of the Secretary on the desirability of terminating the applicability of OMB Circular A–76 to the Department.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.
Subtitle F—Miscellaneous Reviews, Studies, and Reports

SEC. 361. QUARTERLY READINESS REPORTS.
(a) In General.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

§ 452. Quarterly readiness reports
(a) Requirement.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—
(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;
(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and
(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.
(b) Matters to Be Included.—Each such report shall—
(1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and
(2) include the key indicators and other relevant data related to the identified problem or deficiency.
(c) Classification of Reports.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.
(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
“§ 452. Quarterly readiness reports.”.

(b) Effective Date.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.
Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

“SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.
(a) Annual Reports.—During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for each budget activity specified in section (d) (hereinafter in this section referred to as ‘covered budget activities’). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.
(b) Midyear Reports.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.
“(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include for each covered budget activity the following:

“(1) A statement, for the period covered by the report, of—

“A) the total amount of transfers into funds available for that activity;
B) the total amount of transfers from funds available for that activity; and
C) the net amount of transfers into, or out of, funds available for that activity.

“(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

“(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

“(1) The budget activity groups (known as ‘subactivities’) within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

“A) Combat Units.
B) Tactical Support.
C) Force-Related Training/Special Activities.
D) Depot Maintenance.
E) JCS Exercises.

“(2) The budget activity groups (known as ‘subactivities’) within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

“A) Mission and Other Flight Operations.
B) Mission and Other Ship Operations.
C) Fleet Air Training.
D) Ship Operational Support and Training.
E) Aircraft Depot Maintenance.
F) Ship Depot Maintenance.

“(3) The budget activity groups (known as ‘subactivities’), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

“A) Primary Combat Forces.
B) Primary Combat Weapons.
C) Global and Early Warning.
D) Air Operations Training.
E) Depot Maintenance.
F) JCS Exercises.”.

SEC. 363. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term “major defense acquisition program” has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CONTROL POINTS AND MATIERIEL MANAGEMENT STANDARD SYSTEM.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—(1) The Secretary of Defense shall conduct a review of the management by the Defense Logistics Agency of all inventory control points of the Department of Defense. In conducting the review, the Secretary shall examine the management and acquisi-
tion practices of the Defense Logistics Agency for inventory of repairable spare parts.

(2) Not later than March 31, 1996, the Secretary shall submit to the Comptroller General of the United States and the congressional defense committees a report on the results the review conducted under paragraph (1).

(b) Review of Materiel Management Standard System.—

(1) The Comptroller General of the United States shall conduct a review of the automated data processing system of the Department of Defense known as the Materiel Management Standard System.

(2) Not later than May 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the results of the review conducted under paragraph (1).

SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) Report Required.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility of providing for the performance by private-sector sources of functions necessary to be performed to fulfill the requirements of the Department of Defense for air transportation of personnel and cargo.

(b) Content of Report.—The report shall include the following:

(1) A cost-benefit analysis with respect to the performance by private-sector sources of functions described in subsection (a), including an explanation of the assumptions used in the cost-benefit analysis.

(2) An assessment of the issues raised by providing for such performance by means of a contract entered into with a private-sector source.

(3) An assessment of the issues raised by providing for such performance by means of converting functions described in subsection (a) to private ownership and operation, in whole or in part.

(4) A discussion of the requirements for the performance of such functions in order to fulfill the requirements referred to in subsection (a) during wartime.

(5) The effect on military personnel and facilities of using private-sector sources to fulfill the requirements referred to in such subsection.

(6) The performance by private-sector sources of any other military aircraft functions (such as non-combat in-flight fueling of aircraft) the Secretary considers appropriate.

SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE.

(a) Development of Strategy.—The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

(b) Matters to Consider.—In developing the strategy required under subsection (a), the Secretary shall consider the following:

(1) The use of performance measures and management controls.

(2) Findings of the Functional Management Review conducted by the Secretary.

(3) Program management actions planned by the Secretary.

(4) Actions and milestones necessary for completion of functional and economic analyses for—

(A) the Automated System for Transportation data;

(B) continuous acquisition and life cycle support;

(C) electronic data interchange;

(D) flexible computer integrated manufacturing;

(E) the Navy Tactical Command Support System; and

(F) the Defense Information System Network.
(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON STRATEGY.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2739).

(3) The report required by paragraph (1) shall also include the following:

(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for—

(i) the Base Level System Modernization and the Sustaining Base Information System; and

(ii) the Standard Installation/Division Personnel System-3.

(C) An assessment of the implementation of migration systems and applications, including—

(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

(ii) identification of the legacy systems and applications that will be terminated;

(iii) the cost of and schedules for implementing the migration systems and applications; and

(iv) termination schedules.

(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee.

Subtitle G—Other Matters

SEC. 371. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§ 2216. Defense Business Operations Fund

"(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and
activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed or converted to management through the Fund.

(b) Funds and Activities Included.—The funds and activities referred to in subsection (a) are the following:

(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

(3) The Defense Finance and Accounting Service.

(4) The Defense Commissary Agency.


(6) The Joint Logistics Systems Center.

(c) Separate Accounting, Reporting, and Auditing of Funds and Activities.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate Fund or activity.

(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

(d) Charges for Goods and Services Provided through the Fund.—(1) Charges for goods and services provided through the Fund shall include the following:

(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

(2) Charges for goods and services provided through the Fund may not include the following:

(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches $100,000,000; and

(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches $100,000,000.
“(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

   (i) An explanation of the reason for the advance billing.
   (ii) An analysis of the impact of the advance billing on readiness.
   (iii) An analysis of the impact of the advance billing on the customer so billed.

“(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

“(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

“(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

“(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

“(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

   (1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

   (2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

   (3) A comparison of the amounts actually expended for the operation of the Fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

   (4) A report on the capital asset subaccount of the Fund that contains the following information:

       (A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

       (B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

       (C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

       (D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

       (E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

“(i) DEFINITIONS.—In this section:

   (1) The term ‘capital assets’ means the following capital assets that have a development or acquisition cost of not less than $50,000:

       (A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

       (B) Automatic data processing equipment, software.
“(C) Equipment other than equipment described in subparagraph (B).
“(D) Other capital improvements.
“(2) The term ‘Fund’ means the Defense Business Operations Fund.”
(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:
(b) Conforming Repeals.—The following provisions of law are hereby repealed:
(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).
(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b)(1) of title 10, United States Code, is amended by striking out “not needed by the armed forces” and all that follows through the end of the paragraph and inserting in lieu thereof the following: “not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:
“(A) Similar items held by any individual, organization, institution, agency, or nation.
“(B) Conservation supplies, equipment, facilities, or systems.
“(C) Search, salvage, or transportation services.
“(D) Restoration, conservation, or preservation services.
“(E) Educational programs.”.

SEC. 373. FINANCIAL MANAGEMENT TRAINING.

(a) Limitation.—The Secretary of Defense may enter into a capital lease for the establishment of a Department of Defense financial management training center no earlier than the date that is 30 days after the date on which the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, in accordance with subsection (b), a certification of the need for such a center and a report on financial management training for Department of Defense personnel.
(b) Certification and Report.—(1) The certification and report referred to in subsection (a) are the following:
(A) Certification by the Secretary of the need for such a center.
(B) A report, submitted with the certification, on financial management training for Department of Defense personnel.
(2) Any report under paragraph (1) shall contain the following:
(A) The Secretary’s analysis of the requirements for providing financial management training for employees of the Department of Defense.
(B) The alternatives considered by the Secretary for meeting those requirements.
(C) A detailed plan for meeting those requirements.
(D) A financial analysis of the estimated short-term and long-term costs of carrying out the plan.

(3) If, upon completing the analysis referred to in paragraph (2)(A) and after considering alternatives as described in paragraph (2)(B), the Secretary determines to meet the requirements for providing financial management training for employees of the Department of Defense through establishment of a financial management training center, the Secretary—
(A) shall make the determination of the location of the center using a merit-based selection process; and
(B) shall include in the report under paragraph (1) a description of that merit-based selection process.

SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) Permanent Authority.—Section 2575 of title 10 is amended—
(1) by striking out subsection (b) and inserting in lieu thereof the following:
``(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—
``(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and
``(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.
``(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts.''; and
(2) by adding at the end the following:
``(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.
``(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Comptroller General of the United States for proceeds covered into the Treasury under subsection (b)(2).
``(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Comptroller General of the United States (in the case of a claim filed under paragraph (2)).''.

(b) Repeal of Authority for Demonstration Program.—

SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) In General.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:
§ 7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

(a)(1) The Secretary of the Navy shall procure and sell, for cash or credit—

(A) articles designated by the Secretary to members of the Navy and Marine Corps; and

(B) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

(2) An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged honorably or under honorable conditions from the Navy or Marine Corps, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

(A) at military installations outside the United States; and

(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to civilian officers and employees residing within military installations.

(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of such members and their families.

(2) The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.

(b) Conforming Amendments for Other Armed Forces.—

(1) Section 4621 of such title is amended—
(A) by striking out “The branch, office, or officer designated by the Secretary of the Army” in subsection (a) and inserting in lieu thereof “The Secretary of the Army”;
(B) by striking out “The branch, office, or officer designated by the Secretary” both places it appears in subsections (b) and (c) and inserting in lieu thereof “The Secretary”; and
(C) by inserting before the period at the end of subsection (f) the following: “or by commercial credit”.

(2) Section 9621 of such title is amended—
(A) by striking out “The Air Force shall” in subsection (b) and inserting in lieu thereof “The Secretary shall”; and
(B) by inserting before the period at the end of subsection (f) the following: “or by commercial credit”.

SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—
(1) by redesignating subsection (g) as subsection (h); and
(2) by inserting after subsection (f) the following new subsection:
“(g) In the case of a Boy Scout Jamboree held on a military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).”.

SEC. 377. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2610. Competitions for excellence: acceptance of monetary awards

“(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept a monetary award given to the Department of Defense by a nongovernmental entity as a result of the participation of the Department in a competition carried out to recognize excellence or innovation in providing services or administering programs.  
“(b) DISPOSITION OF AWARDS.—A monetary award accepted under subsection (a) shall be credited to one or more nonappropriated fund accounts supporting morale, welfare, and recreation activities for the command, installation, or other activity that is recognized for the award. Amounts so credited may be expended only for such activities.  
“(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred by the Department to participate in a competition described in subsection (a) or to accept a monetary award under this section.  
“(d) REGULATIONS AND REPORTING.—(1) The Secretary shall prescribe regulations to determine the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).  
“(2) At the end of each year, the Secretary shall submit to Congress a report for that year describing the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).  
“(e) TERMINATION.—The authority of the Secretary under this section shall expire two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2610. Competitions for excellence: acceptance of monetary awards.”.
SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended—
(1) by inserting ``(a) I N GENERAL.—'' before ``The Secretary of Defense''; and
(2) by adding at the end the following new subsection:
``(b) E MERGENCIES INVOLVING CHEMICAL AND BIOLOGICAL AGENTS.—(1) In addition to equipment and facilities described in subsection (a), the Secretary may provide an item referred to in paragraph (2) to a Federal, State, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents if the Secretary determines that the item is not reasonably available from another source.

(2) An item referred to in paragraph (1) is any material or expertise of the Department of Defense appropriate for use in preparing for or responding to an emergency involving chemical or biological agents, including the following:

(A) Training facilities.
(B) Sensors.
(C) Protective clothing.
(D) Antidotes.''

SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILITARY AND CIVIL DEFENSE PREPAREDNESS TO RESPOND TO EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) R EPORT.—(1) Not later than March 1, 1996, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on the military and civil defense plans and programs of the Department of Defense to prepare for and respond to the effects of an emergency in the United States resulting from a chemical, biological, radiological, or nuclear attack on the United States (hereafter in this section referred to as an ``attack-related civil defense emergency '').

(2) The report shall be prepared in consultation with the Director of the Federal Emergency Management Agency.

(b) C ONTENT OF REPORT.—The report shall include the following:

(1) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and responding to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has a primary responsibility to respond.

(2) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and providing a response to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has responsibility to provide a supporting response.

(3) A description of any actions, and any recommended legislation, that the Secretaries consider necessary for improving the preparedness of the Department of Defense to respond effectively to an attack-related civil defense emergency.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:
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(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.
(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.
(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.
(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FLOOR ON END STRENGTHS.—(1) Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

§ 691. Permanent end strength levels to support two major regional contingencies

"(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

"(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

"(1) For the Army, 495,000.
"(2) For the Navy, 395,000.
"(3) For the Marine Corps, 174,000.
"(4) For the Air Force, 381,000.

"(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.

"(d) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.

"(e) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Permanent end strength levels to support two major regional contingencies."

(c) ACTIVE COMPONENT END STRENGTH FLEXIBILITY.—Section 115(c)(1) of title 10, United States Code, is amended by striking out “0.5 percent” and inserting in lieu thereof “1 percent”.

SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Air Force serving on active duty in the grades of major, lieutenant colonel, and colonel shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):
(b) NAVY OFFICERS.—In the administration of the limitation under section 523(a)(2) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Navy serving on active duty in the grades of lieutenant commander, commander, and captain shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

<table>
<thead>
<tr>
<th>Fiscal year:</th>
<th>Number of officers who may be serving on active duty in the grade of:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Major</td>
</tr>
<tr>
<td>1996</td>
<td>15,566</td>
</tr>
<tr>
<td>1997</td>
<td>15,645</td>
</tr>
</tbody>
</table>

SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

``(d) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.
``

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of such title is amended—

(1) by inserting ``(1)'' after ``(b)''; and

(2) by adding at the end the following:

``(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.
``

(c) CLARIFICATION.—Section 601(b) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out “of importance and responsibility designated” and inserting in lieu thereof “designated under subsection (a) or by law”;

(2) in paragraph (1), by striking out “of importance and responsibility”;

(3) in paragraph (2), by striking out “designating” and inserting in lieu thereof “designated under subsection (a) or by law”;

(4) in paragraph (4), by inserting “under subsection (a) or by law” after “designated”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR. —The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,894.
(4) The Marine Corps Reserve, 42,274.
(6) The Air Force Reserve, 73,969.
(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and
(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.
(2) The Army Reserve, 11,575.
(3) The Naval Reserve, 17,587.
(4) The Marine Corps Reserve, 2,559.
(5) The Air National Guard of the United States, 10,066.
(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting “(1)” before “The Secretary”; and
(2) by adding at the end the following new paragraph:

“(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.”.

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:
SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIVE THREAT REDUCTION PROGRAMS NOT TO BE COUNTED.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following:

"(8) Members of the Selected Reserve of the Ready Reserve on active duty for more than 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(b))."

SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—
(1) by redesignating subsection (f) as subsection (g); and
(2) by inserting after subsection (e) the following new subsection (f):

"(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

(B) The authorized daily average for members in pay grades E-8 and E-9 under section 517 of this title for the calendar year in which the member carries out such activities.

(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section."

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.
(2) The Navy, 44,238.
(3) The Marine Corps, 26,095.
(b) Scope.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) Adjustments.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $69,191,008,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) Authorization.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) Effect on End Strengths.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. JOINT OFFICER MANAGEMENT.

(a) Critical Joint Duty Assignment Positions.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out "1,000" and inserting in lieu thereof "800".

(b) Additional Qualifying Joint Service.—Section 664 of such title is amended by adding at the end the following:

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(2) (A) For purposes of paragraph (1), a qualifying temporary joint task force assignment of an officer is a temporary assignment, a temporary duty assignment, or a temporary active duty assignment.
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10 USC 115 note.
(a) Joint Duty Credit.—Section 663 of such title is amended by striking out paragraph (3) and inserting after such paragraph the following new paragraph (3):

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(3) Credit under paragraph (1) (including a determination under paragraph (2)(A)(ii) and a recommendation under paragraph (2)(B) with respect to such credit) may be granted only on a case-by-case basis in the case of an individual officer.
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(b) Information in Annual Report.—Section 667 of such title is amended by striking out paragraph (16) and inserting after such paragraph the following new paragraph (16):

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(16) The number of officers granted credit for service in joint duty assignments under section 664(i) of this title and—
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Regulations.
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“(i) the number of officers credited with having completed a tour of duty in a joint duty assignment; and

“(ii) the number of officers granted credit for purposes of determining cumulative service in joint duty assignments; and

“(B) the identity of each operation for which an officer has been granted credit pursuant to section 664(i) of this title and a brief description of the mission of the operation.”.

(d) APPLICABILITY OF LIMITATION ON WAIVER AUTHORITY.—Section 661(c)(3) of such title is amended—

(1) in the third sentence of subparagraph (D), by striking out “The total number” and inserting in lieu thereof “In the case of officers in grades below brigadier general and rear admiral (lower half), the total number”; and

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

“(E) There may not be more than 32 general and flag officers on active duty at the same time who were selected for the joint specialty while holding a general or flag officer grade and for whom a waiver was granted under this subparagraph.”.

(e) LENGTH OF SECOND JOINT TOUR.—Section 664 of such title is amended—

(1) in subsection (e)(2), by inserting after subparagraph (B) the following:

“(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.”; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking out “completion of—” and inserting in lieu thereof “completion of any of the following”;

(B) by striking out “a” at the beginning of paragraphs (1), (2), (4), and (5) and inserting in lieu thereof “A”;

(C) by striking out “cumulative” in paragraph (3) and inserting in lieu thereof “Cumulative”;

(D) by striking out the semicolon at the end of paragraphs (1), (2), and (3) and “; or” at the end of paragraph (4) and inserting in lieu thereof a period; and

(E) by adding at the end the following:

“(6) A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).”.

(f) TECHNICAL AMENDMENT.—Section 664(e)(1) of such title is amended by striking out “(after fiscal year 1990)”.

SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) APPLICABILITY OF TIME-IN-RANK REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out “and below lieutenant general or vice admiral”; and

(2) in the first sentence of subsection (d)(2)(B), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out “and below lieutenant general or vice admiral”.

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Subsection (c) of such section is amended to read as follows:

“(C) OFFICERS IN O–9 AND O–10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies
in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

“(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

“(A) while the officer is under investigation for alleged misconduct; or

“(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.”.

(c) REPEAL OF SUPERSEDED PROVISIONS.—Sections 3962(a), 5034, 5043(c), and 8962(a) of such title are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out “(b) Upon” and inserting in lieu thereof “Upon”.

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENT TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

(f) PRESERVATION OF APPLICABILITY OF LIMITATION.—Section 1370(a)(2)(C) of title 10, United States Code, is amended by striking out “The number of officers in an armed force in a grade” and inserting in lieu thereof “In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade”.

(g) STYLISTIC AMENDMENTS.—Section 1370 of title 10, United States Code, is further amended—

(1) in subsection (a), by striking out “(a)(1)” and inserting in lieu thereof “(a) RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—(1)”;

(2) in subsection (b), by inserting “RETIREMENT IN NEXT LOWER GRADE.—” after “(b)”; and

(3) in subsection (d), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out “(d)(1)” and inserting in lieu thereof “(d) RESERVE OFFICERS.—(1)”.

SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) AUTHORITY AND LIMITATIONS.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions

“(a) AUTHORITY.—An officer who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that next higher grade. An officer who is so authorized to wear the insignia of the next higher grade is said to be ‘frocked’ to that grade.

“(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

“(1) the Senate has given its advice and consent to the appointment of the officer to that grade; and

“(2) the officer is serving in, or has received orders to serve in, a position for which that grade is authorized.

“(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to
wear the insignia of the next higher grade may not be construed as conferring authority for that officer to—

(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

(B) assume any legal authority associated with that grade.

(2) The period for which an officer wears the insignia of the next higher grade under such authority may not be taken into account for any of the following purposes:

(A) Seniority in that grade.

(B) Time of service in that grade.

(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels and Navy captains on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the grade of brigadier general or rear admiral (lower half), as the case may be, may not exceed the following:

(A) During fiscal years 1996 and 1997, 75.

(B) During fiscal year 1998, 55.

(C) After fiscal year 1998, 35.

(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.

(b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS OF FROCKED OFFICERS.—In the administration of section 777(d)(2) of title 10, United States Code (as added by subsection (a)), the percent limitation applied under that section for fiscal year 1996 shall be 2 percent (instead of 1 percent).

(c) REPORT.—Not later than September 1, 1996, the Secretary of Defense shall submit to Congress a report providing the assessment of the Secretary on the practice, known as “frocking”, of authorizing an officer who has been selected for promotion to the next higher grade to wear the insignia for that next higher grade. The report shall include the Secretary’s assessment of the appropriate number, if any, of colonels and Navy captains to be eligible under section 777(d)(1) of title 10, United States Code (as added by subsection (a)), to wear the insignia for the grade of brigadier general or rear admiral (lower half).

SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early
retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.

SEC. 505. ARMY OFFICER MANNING LEVELS.

(a) In General.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

“§ 3201. Officers on active duty: minimum strength based on requirements

“(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

“(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

“(c) In this section:

“(1) The term ‘programmed manpower structure’ means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

“(2) The term ‘programmed force structure’ means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after “Sec.” the following new item:

“3201. Officers on active duty: minimum strength based on requirements.”.

(b) Assistance in Accomplishing Requirement.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFICERS OTHER THAN PHYSICIANS TO BE APPOINTED AS SURGEON GENERAL.

(a) Surgeon General of the Army.—The third sentence of section 3036(b) of title 10, United States Code, is amended by inserting after “The Surgeon General” the following: “may be appointed from officers in any corps of the Army Medical Department and”.

(b) Surgeon General of the Navy.—Section 5137 of such title is amended—

(1) in the first sentence of subsection (a), by striking out “in the Medical Corps” and inserting in lieu thereof “in any corps of the Navy Medical Department”;

(2) in subsection (b), by striking out “in the Medical Corps” and inserting in lieu thereof “who is qualified to be the Chief of the Bureau of Medicine and Surgery”;

(c) Surgeon General of the Air Force.—The first sentence of section 8036 of such title is amended by striking out “designated as medical officers under section 8067(a) of this title” and inserting in lieu thereof “in the Air Force medical department”.

10 USC 3201 note.
SEC. 507. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) by striking out “two years” and inserting in lieu thereof “four years”; and

(2) by striking out the last sentence and inserting in lieu thereof the following: “An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act.

SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 5721 of title 10, United States Code, is amended by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 1996”.

(b) LIMITATION.—Such section is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—(1) An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

“(2) Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.”.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report providing the Secretary’s assessment of that continuing need for the promotion authority under section 5721 of title 10, United States Code. The Secretary shall include in the report the following:

(1) The nature and grade structure of the positions for which such authority has been used.

(2) The cause or causes of the reported chronic shortages of qualified personnel in the required grade to fill the positions specified under paragraph (1).

(3) The reasons for the perceived inadequacy of the officer promotion system (including “below-the-zone” selections) to provide sufficient officers in the required grade to fill those positions.

(4) The extent to which a bonus program or some other program would be a more appropriate means of resolving the reported chronic shortages in engineering positions.

(d) CLERICAL AMENDMENTS.—Section 5721 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting “PROMOTION AUTHORITY FOR CERTAIN OFFICER WITH CRITICAL SKILLS.” after “(a)”.

(2) Subsection (b) is amended by inserting “STATUS OF OFFICERS APPOINTED. —” after “(b)”.

(3) Subsection (c) is amended by inserting “BOARD RECOMMENDATION REQUIRED. —” after “(c)”.

(4) Subsection (d) is amended by inserting “ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT. —” after “(d)”.

(5) Subsection (e) is amended by inserting “TERMINATION OF APPOINTMENT. —” after “(e)”.

(6) Subsection (g), as redesignated by subsection (b)(1), is amended by inserting “TERMINATION OF APPOINTMENT AUTHORITY. —” after “(g)”.

10 USC 8037 note.
SECTION 509. RETIREMENT FOR YEARS OF SERVICE OF DIRECTORS OF ADMISSIONS OF MILITARY AND AIR FORCE ACADEMIES.

(a) MILITARY ACADEMY.—(1) Section 3920 of title 10, United States Code, is amended to read as follows:

"§ 3920. More than thirty years; permanent professors and the Director of Admissions of the United States Military Academy

"(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Military Academy.

"(2) The Director of Admissions of the United States Military Academy."

(2) The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

"3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy."

(b) AIR FORCE ACADEMY.—(1) Section 8920 of title 10, United States Code, is amended to read as follows:

"§ 8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy

"(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Air Force Academy.

"(2) The Director of Admissions of the United States Air Force Academy."

(2) The item relating to such section in the table of sections at the beginning of chapter 867 of such title is amended to read as follows:

"8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy."

Subtitle B—Matters Relating to Reserve Components

SECTION 511. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking
out “September 30, 1995” and inserting in lieu thereof “September 30, 1996”.

SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

“CHAPTER 1214—READY RESERVE MOBILIZATION INCOME INSURANCE

§ 12521. Definitions

In this chapter:

“(1) The term ‘insurance program’ means the Ready Reserve Mobilization Income Insurance Program established under section 12522 of this title.

“(2) The term ‘covered service’ means active duty performed by a member of a reserve component under an order to active duty for a period of more than 30 days which specifies that the member’s service—

“(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

“(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

“(3) The term ‘insured member’ means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

“(4) The term ‘Secretary’ means the Secretary of Defense.

“(5) The term ‘Department’ means the Department of Defense.

“(6) The term ‘Board of Actuaries’ means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

“(7) The term ‘Fund’ means the Reserve Mobilization Income Insurance Fund established by section 12528(a) of this title.

§ 12522. Establishment of insurance program

“(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve (including the Coast Guard Reserve) an insurance program to be known as the ‘Ready Reserve Mobilization Income Insurance Program’.

“(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

“(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—The Secretary and the Secretary of Transportation shall enter into an agreement with respect to the administration of the insurance program for the Coast Guard Reserve.
"§ 12523. Risk insured

(a) In General.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

(b) Entitlement to Benefits.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

"§ 12524. Enrollment and election of benefits

(a) Enrollment.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 60 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 60 days after being offered the opportunity shall be considered as having declined to be insured under the program.

(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty in accordance with regulations prescribed by the Secretary if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 60 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

(b) Election of Benefit Amount.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 60 days after first becoming a member of the Ready Reserve or within 60 days after being offered the opportunity to enroll, as the case may be.

(c) Elections Irrevocable.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

(2) The amount of coverage may not be increased after enrollment.

(d) Election To Terminate.—A member may terminate an enrollment at any time.

(e) Information To Be Furnished.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

(f) Members Ineligible To Enroll.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.
§ 12525. Benefit amounts

(a) Basic Benefit.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

(b) Reduced and Enhanced Benefits.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

(c) Amount for Partial Month.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying \( \frac{1}{30} \) of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

(d) Adjustment of Amounts.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

§ 12526. Premiums

(a) Establishment of Rates.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

(b) Level Premiums.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

§ 12527. Payment of premiums

(a) Methods of Payment.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member’s pay for each month.

(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

(b) Advance Pay for premium.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.
“(c) **Premiums To Be Deposited in Fund.**—Premium amounts deducted and withheld from the pay of insured members and premium amounts paid directly to the Secretary shall be credited monthly to the Fund.

**§ 12528. Reserve Mobilization Income Insurance Fund**

“(a) **Establishment.**—There is established on the books of the Treasury a fund to be known as the ‘Reserve Mobilization Income Insurance Fund’, which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

“(b) **Assets of Fund.**—There shall be deposited into the Fund the following:

“(1) Premiums paid under section 12527 of this title.

“(2) Any amount appropriated to the Fund.

“(3) Any return on investment of the assets of the Fund.

“(c) **Availability.**—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

“(d) **Investment of Assets of Fund.**—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

“(e) **Annual Accounting.**—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

“(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

“(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

“(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

**§ 12529. Board of Actuaries**

“(a) **Actuarial Responsibility.**—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

“(b) **Valuations and Premium Recommendations.**—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

“(c) **Effects of Changed Benefits.**—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.
“(d) Actuarial Gains or Losses.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

“(e) Insufficient Assets.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

“(f) Definition of Present Value.—The Board of Actuaries shall define the term ‘present value’ for purposes of this subsection.

§ 12530. Payment of benefits

“(a) Commencement of Payment.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

“(b) Method of Payment.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

“(c) Designated Recipients.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program. Regulations.

“(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

“(d) Recipients in Event of Death of Insured Member.—Any insurance payable under the insurance program on account of a deceased member’s period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member’s domicile.

§ 12531. Purchase of insurance

“(a) Purchase Authorized.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.
“(b) Eligible Insurers.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

“(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

“(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

“(c) Administrative Provisions.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

“(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

“(d) Reinsurance.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

“(e) Termination.—The Secretary may at any time terminate any policy purchased under this section.

§ 12532. Termination for nonpayment of premiums; forfeiture

“(a) Termination for Nonpayment.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

“(b) Forfeiture.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.

“(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

“1214. Ready Reserve Mobilization Income Insurance ........................................12521”.

(b) Effective Date.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) Requirement of Annual Authorization of End Strength.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that
technician. This subsection applies without regard to section 129 of this title.”

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) Authorization for Fiscal Years 1996 and 1997.—For each of fiscal years 1996 and 1997, the minimum number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) Army National Guard, 25,500.
(2) Army Reserve, 6,630.
(3) Air National Guard, 22,906.
(4) Air Force Reserve, 9,802.

(c) Administration of Military Technician Program.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

§ 10216. Military technicians

“(a) Priority for Management of Military Technicians.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.
(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.
(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

(3) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

“(b) Dual-Status Requirement.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section and after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called ‘dual-status’ technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“10216. Military technicians.”.
(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of the annual funding required to support those positions for the purpose of creating new positions or filling existing positions in the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

“(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

“(2) Within each of the numbers under paragraph (1)—

“(A) the number applicable to a reserve component management headquarter organization; and

“(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

“(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).”.

SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

“(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

“(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section.”; and
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(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out “National Guard” before the period at the end and inserting in lieu thereof “Selected Reserve”.

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out “National Guard” both places it appears and inserting in lieu thereof “Selected Reserve”; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

“(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

“(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.”.

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out “National Guard” each place it appears and inserting in lieu thereof “Selected Reserve”; and

(2) in subsection (c)—

(A) by striking out “a member of the Army National Guard enters the National Guard” and inserting in lieu thereof “a member of the Army Selected Reserve enters the Army Selected Reserve”; and

(B) by striking out “from the Army National Guard”.

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out “National Guard” each place it appears and inserting in lieu thereof “Selected Reserve”.

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting “and the Army Reserve” before the period at the end.

SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

“(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

“(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

“(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.”.

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out “National Guard combat unit” in the matter preceding paragraph (1) and inserting in lieu thereof “National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy”; and

10 USC 10105 note.

Effective date.
(2) by striking out "of the National Guard unit" in parag.
graphs (1), (2), (3), and (4) and inserting in lieu thereof "of
that unit".

SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPONENTS
PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of
section 6323 of title 5, United States Code, is amended by adding
at the end the following: "Upon the request of an employee, the
period for which an employee is absent to perform service described
in paragraph (2) may be charged to the employee's accrued annual
leave or to compensatory time available to the employee instead
of being charged as leave to which the employee is entitled under
this subsection. The period of absence may not be charged to sick
leave."

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title
is amended by striking out "entitled to leave" and inserting in lieu thereof "granted military leave".

SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL
GUARD PARTICIPATION IN JOINT DISASTER AND EMER-
GENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—
(1) by inserting "(1)" after "(a)"; and
(2) by adding at the end the following:
"(2) Paragraph (1) includes authority to provide for participation
of the National Guard in conjunction with the Army or the Air
Force, or both, in joint exercises for instruction to prepare the
National Guard for response to civil emergencies and disasters."

Subtitle C—Decorations and Awards

SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE

(a) AWARD OF PURPLE HEART.—For purposes of the award
of the Purple Heart, the Secretary concerned (as defined in section
101 of title 10, United States Code) shall treat a former prisoner
of war who was wounded before April 25, 1962, while held as
a prisoner of war (or while being taken captive) in the same manner
as a former prisoner of war who is wounded on or after that
date while held as a prisoner of war (or while being taken captive).

(b) STANDARDS FOR AWARD.—An award of the Purple Heart
under subsection (a) shall be made in accordance with the standards
in effect on the date of the enactment of this Act for the award
of the Purple Heart to persons wounded on or after April 25,
1962.

(c) ELIGIBLE FORMER PRISONERS OF WAR.—A person shall be
considered to be a former prisoner of war for purposes of this
section if the person is eligible for the prisoner-of-war medal under
section 1128 of title 10, United States Code.

SEC. 522. AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS
OF VALOR PERFORMED IN COMBAT DURING THE VIETNAM
CONFLICT.

(a) FINDINGS.—Congress makes the following findings:
(1) The 1st Drang Valley (Pleiku) campaign, carried out
by the Armed Forces in the 1st Drang Valley of Vietnam from
October 23, 1965, to November 26, 1965, is illustrative of the
many battles during the Vietnam conflict which pitted forces
of the United States against North Vietnamese Army regulars
and Viet Cong in vicious fighting.
(2) Accounts of those battles that have been published
since the end of that conflict authoritatively document numer-
ous and repeated acts of extraordinary heroism, sacrifice, and
bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) WAIVER OF TIME LIMITATIONS FOR RECOMMENDATIONS FOR AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

(c) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—

(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

(d) REPORT.—(1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration received, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(e) DEFINITION.—For purposes of this section:

(1) The term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

(2) The term "active duty" has the meaning given that term in section 101 of title 10, United States Code.
SEC. 523. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) Waiver on Restrictions of Awards.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) Review of Requests for Consideration of Awards.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the one-year period beginning on the date of the enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

(c) Report.—(1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration reviewed, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(d) Definition.—For purposes of this section, the term “active duty” has the meaning given such term in section 101 of title 10, United States Code.

SEC. 524. REVIEW REGARDING UPGRAILING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE.

(a) Review Required.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the Medal of Honor.

(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that person.
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(b) WAIVER OF TIME LIMITATIONS.—A Medal of Honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

(c) DEFINITION.—For purposes of this section, the term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY DECORATIONS NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

(a) In General.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

"(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).

"(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:

"(1) The award or presentation of the decoration does not warrant approval on the merits.

"(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended."
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“(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.

“(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended. A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

“(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

“(d) In this section:

“(1) The term ‘Member of Congress’ means—

“(A) a Senator; or

“(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

“(2) The term ‘decoration’ means any decoration or award that may be presented or awarded to a member or unit of the armed forces.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation.”.

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of title 10, United States Code, is amended by striking out “six years” and inserting in lieu thereof “five years”.

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out “six years” and inserting in lieu thereof “five years”.

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out “six years” and inserting in lieu thereof “five years”.

(d) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Defense shall review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies.

(2) Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary’s findings under the review, together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(e) APPLICABILITY.—The amendments made by this section apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.
SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

“(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.”.

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

“(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.”.

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

“(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.”.

SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) is amended by striking out subsections (b) and (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO TEST PRIVATIZATION OF SERVICE ACADEMY PREPARATORY SCHOOLS.


PART II—RESERVE OFFICER TRAINING CORPS

SEC. 541. ROTC ACCESS TO CAMPUSES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

“(a) Denial of Department of Defense Grants and Contracts.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior
Reserve Officer Training Corps at another nearby institution of higher education.

“(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

“(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

“(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

“(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

“(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

“(d) ANTI-ROTC POLICY.—In this section, the term ‘anti-ROTC policy’ means a policy or practice of an institution of higher education that—

“(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

“(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.’’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.’’.

SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting ‘‘full-time’’ before ‘‘active duty’’ in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ‘‘A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.’’.

SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.
(b) Cost-Benefit Analysis.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) Selection of Reorganization Option for Implementation.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;
(2) achieves the most significant personnel and cost savings;
(3) uses existing basic and advanced camp facilities to the maximum extent possible;
(4) minimizes additional military construction costs; and
(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out “not less than six weeks’ duration” and inserting in lieu thereof “a duration”.

SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) In General.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2111a. Detail of officers to senior military colleges

“(a) Detail of Officers To Serve as Commandant or Assistant Commandant of Cadets.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

“(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

“(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.
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"(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon
the request of a senior military college, the Secretary of Defense
may authorize officers (other than officers covered by subsection
(a)) who are detailed to duty as instructors at that college to
act simultaneously as tactical officers (with or without compensa-
tion) for the Corps of Cadets at that college.
"(c) DETAIL OF OFFICERS.—The Secretary of a military depart-
ment shall designate officers for detail to the program at a senior
military college in accordance with criteria provided by the college.
An officer may not be detailed to a senior military college without
the approval of that college.
"(d) SENIOR MILITARY COLLEGES.—The senior military colleges
are the following:
"(1) Texas A&M University.
"(2) Norwich College.
"(3) The Virginia Military Institute.
"(4) The Citadel.
"(5) Virginia Polytechnic Institute and State University.
"(6) North Georgia College."

(b) CLERICAL AMENDMENT.—The table of sections at the begin-
ing of such chapter is amended by adding at the end the following
new item:
"2111a. Detail of officers to senior military colleges."

Subtitle E—Miscellaneous Reviews,
Studies, and Reports

SEC. 551. REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL
REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL
ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish
an advisory committee to consider issues relating to the appropriate
forum for judicial review of Department of Defense administrative
personnel actions.

(b) MEMBERSHIP.—(1) The committee shall be composed of five
members, who shall be appointed by the Secretary of Defense
after consultation with the Attorney General and the Chief Justice
of the United States.

(2) All members of the committee shall be appointed not later
than 30 days after the date of the enactment of this Act.

(c) DUTIES.—The committee shall review, and provide findings
and recommendations regarding, the following matters with respect
to judicial review of administrative personnel actions of the Depart-
ment of Defense:

(1) Whether the existing forum for such review through
the United States district courts provides appropriate and ade-
quate review of such actions.

(2) Whether jurisdiction to conduct judicial review of such
actions should be established in a single court in order to
provide a centralized review of such actions and, if so, in
which court that jurisdiction should be vested.

(d) REPORT.—(1) Not later than December 15, 1996, the commit-
tee shall submit to the Secretary of Defense a report setting forth
its findings and recommendations, including its recommendations
pursuant to subsection (c).

(2) Not later than January 1, 1997, the Secretary of Defense,
after consultation with the Attorney General, shall transmit the
committee’s report to Congress. The Secretary may include in the
transmittal any comments on the report that the Secretary or
the Attorney General consider appropriate.

(e) TERMINATION OF COMMITTEE.—The committee shall termi-
nate 30 days after the date of the submission of its report to
Congress under subsection (d)(2).
SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General’s analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 553. REPORT ON MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

(a) REPORT.—Not later than September 30, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units of the Armed Forces under the Secretary’s jurisdiction—

(1) that (as determined by the Secretary of the military department concerned) are high-priority support units that would deploy early in a contingency operation or other crisis; and

(2) that are, as a matter of policy, managed at less than 100 percent of their authorized strengths.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) the number of such high-priority support units (shown by type of unit) that are so managed;

(2) the level of manning within such high-priority support units; and

(3) with respect to each such unit, either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of Defense shall review the system and procedures for the correction of military records used by the Secretaries of the military departments in
the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and (consistent with appropriate service to applicants) maximum efficiency. The Secretary may not delegate responsibility for the review to an officer or official of a military department.

(b) ISSUES REVIEWED.—In conducting the review, the Secretary shall consider (with respect to each Board for the Correction of Military Records) the following:

(1) The composition of the board and of the support staff for the board.
(2) Timeliness of final action.
(3) Independence of deliberations by the civilian board.
(4) The authority of the Secretary of the military department concerned to modify the recommendations of the board.
(5) Burden of proof and other evidentiary standards.
(6) Alternative methods for correcting military records.
(7) Whether the board should be consolidated with the Discharge Review Board of the military department.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit a report on the results of the Secretary’s review under this section to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain the recommendations of the Secretary for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau’s criminal history identification files. The report shall be prepared in consultation with the Director of the Federal Bureau of Investigation.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;
(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;
(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;
(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;
(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and
(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than one year after the date of the enactment of this Act.
(d) DEFINITION.—For the purposes of this section, the term “criminal history identification files”, with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

Subtitle F—Other Matters

SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by inserting “(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—” before “An enlisted member”;

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

“(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or”; and

(3) by redesignating paragraph (5) as paragraph (4).

(b) OFFICER SERVICE CREDIT.—Such section is further amended by adding at the end the following:

“(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after the date of enactment of the National Defense Authorization Act for Fiscal Year 1996—

“(1) deserts;

“(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

“(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

“(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.”.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

“972. Members: effect of time lost.”.

(d) CONFORMING AMENDMENTS.—(1) Section 1405(c) is 10 USC 1405. amended—

(A) by striking out “MADE UP.—Time” and inserting in lieu thereof “MADE UP OR EXCLUDED.—(1) Time”;

(B) by striking out “section 972” and inserting in lieu thereof “section 972(a)”; and

(C) by inserting after “of this title” the following: “, or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,”; and

(D) by adding at the end the following:

“(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.”.
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(2) Chapter 367 of such title is amended—
(A) in section 3925(b), by striking out “section 972” and inserting in lieu thereof “section 972(a)”; and
(B) by adding at the end of section 3926 the following new subsection:
“(e) Section 972(b) of this title excludes from computation of an officer’s years of service for purposes of this section any time identified with respect to that officer under that section.”.

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

“§ 6328. Computation of years of service: voluntary retirement

“(a) ENLISTED MEMBERS.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.
“(b) OFFICERS.—Section 972(b) of this title excludes from computation of an officer’s years of service for purposes of this chapter any time identified with respect to that officer under that section.”.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

“6328. Computation of years of service: voluntary retirement.”.

(4) Chapter 867 of such title is amended—
(A) in section 8925(b), by striking out “section 972” and inserting in lieu thereof “section 972(a)”; and
(B) by adding at the end of section 8926 the following new subsection:
“(d) Section 972(b) of this title excludes from computation of an officer’s years of service for purposes of this section any time identified with respect to that officer under that section.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 562. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

“§ 4303. Army Ranger training: instructor staffing; safety

“(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for Ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.
“(2) In this subsection, the term ‘required manning spaces’ means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.
“(b) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a ‘safety cell’ as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate
and other conditions and the potential effect on those conditions
on Ranger student training and safety.

"(2) Members of each safety cell shall be assigned in sufficient
numbers to serve as advisers to the officers in charge of the major
phase of Ranger training and shall assist those officers in making
informed daily 'go' and 'no-go' decisions regarding training in light
of all relevant conditions, including conditions of terrain, weather,
water, and climate and other conditions."

(2) The table of sections at the beginning of such chapter
is amended by inserting after the item relating to section 4302
the following new item:

"4303. Army Ranger training: instructor staffing; safety."

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If,
as of the date of the enactment of this Act, the number of officers,
and the number of enlisted members, permanently assigned to
the Army Ranger Training Brigade are not each at (or above)
the requirement specified in subsection (a) of section 4303 of title
10, United States Code, as added by subsection (a), the Secretary
of the Army shall—

(A) take such steps as necessary to accomplish that require-
ment within 12 months after such date of enactment; and
(B) submit to Congress, not later than 90 days after such
date of enactment, a plan to achieve and maintain that require-
ment.

(2) The requirement specified in subsection (a) of section 4303
of title 10, United States Code, as added by subsection (a), shall
expire two years after the date (on or after the date of the enactment
of this Act) on which the required manning levels referred to in
paragraph (1) are first attained.

(c) GAO ASSESSMENT.—(1) Not later than one year after the
date of the enactment of this Act, the Comptroller General shall
submit to Congress a report providing a preliminary assessment
of the implementation and effectiveness of all corrective actions
taken by the Army as a result of the February 1995 accident
at the Florida Ranger Training Camp, including an evaluation
of the implementation of the required manning levels established
by subsection (a) of section 4303 of title 10, United States Code,
as added by subsection (a).

(2) At the end of the two-year period specified in subsection
(b)(2), the Comptroller General shall submit to Congress a report
providing a final assessment of the matters covered in the prelimi-
nary report under paragraph (1). The report shall include the
Comptroller General's recommendation as to the need to continue
required statutory manning levels as specified in subsection (a)
of section 4303 of title 10, United States Code, as added by sub-
section (a).

(d) SENSE OF CONGRESS.—In light of requirement that particu-
larly dangerous training activities (such as Ranger training, Search,
Evasion, Rescue, and Escape (SERE) training, SEAL training, and
Airborne training) must be adequately manned and resourced to
ensure safety and effective oversight, it is the sense of Congress—
(1) that the Secretary of Defense, in conjunction with the
Secretaries of the military departments, should review and
if necessary, enhance oversight of all such training activities; and
(2) that organizations similar to the safety cells required
to be established for Army Ranger training in section 4303
of title 10, United States Code, as added by subsection (a),
should (when appropriate) be used for all such training activi-
ties.
SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by inserting after section 1166 the following new section:

§ 1167. Members under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of six months."

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1166 the following new item:

"1167. Members under confinement by sentence of court-martial: separation after six months confinement."

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

§ 12687. Reserves under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for more than six months may be separated from that Reserve's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the Reserve has served in confinement for a period of six months."

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

"12687. Reserves under confinement by sentence of court-martial: separation after six months confinement."

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out "or (2)" and inserting in lieu thereof "(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)"

(2) Section 12684 of such title is amended—
(A) by striking out "or" at the end of paragraph (1);
(B) by redesignating paragraph (2) as paragraph (3); and
(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or"

SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129b the following new section:

§ 129c. Medical personnel: limitations on reductions

"(a) LIMITATION ON REDUCTION.—For any fiscal year, the Secretary of Defense may not make a reduction in the number of medical personnel of the Department of Defense described in subsection (b) unless the Secretary makes a certification for that fiscal year described in subsection (c).

(b) COVERED REDUCTIONS.—Subsection (a) applies to a reduction in the number of medical personnel of the Department of Defense as of the end of a fiscal year to a number that is less than—"
“(1) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or
“(2) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

(c) Certification.—A certification referred to in subsection (a) with respect to reductions in medical personnel of the Department of Defense for any fiscal year is a certification by the Secretary of Defense to Congress that—
“(1) the number of medical personnel being reduced is excess to the current and projected needs of the Department of Defense; and
“(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of this title.

(d) Policy for Implementing Reductions.—Whenever the Secretary of Defense directs that there be a reduction in the total number of military medical personnel of the Department of Defense, the Secretary shall require that the reduction be carried out so as to ensure that the reduction is not exclusively or disproportionately borne by any one of the armed forces and is not exclusively or disproportionately borne by either the active or the reserve components.

(e) Definition.—In this section, the term ‘medical personnel’ means—
“(1) the members of the armed forces covered by the term ‘medical personnel’ as defined in section 115a(g)(2) of this title; and
“(2) the civilian personnel of the Department of Defense assigned to military medical facilities.”.

(2) The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 129b the following new item:

“129c. Medical personnel: limitations on reductions.”.

(b) Special Transition Rule for Fiscal Year 1996.—For purposes of applying subsection (b)(1) of section 129c of title 10, United States Code, as added by subsection (a), during fiscal year 1996, the number against which the percentage limitation of 95 percent is computed shall be the number of medical personnel of the Department of Defense as of the end of fiscal year 1994 (rather than the number as of the end of fiscal year 1995).

(c) Report on Planned Reductions.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the reduction of the number of medical personnel of the Department of Defense over the five-year period beginning on October 1, 1996.

(2) The Secretary shall prepare the plan through the Assistant Secretary of Defense having responsibility for health affairs, who shall consult in the preparation of the plan with the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force.

(3) For purposes of this subsection, the term “medical personnel of the Department of Defense” shall have the meaning given the term “medical personnel” in section 129c(e) of title 10, United States Code, as added by subsection (a).

(d) Repeal of Superseded Provisions of Law.—The following provisions of law are repealed:

SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:
   (1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.
   (2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.
   (3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is defined and managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of service, unit, or assignment.

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:
   “(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).”.

(b) TECHNICAL CORRECTIONS.—Such section is further amended—
   (1) by striking out “Coast and Geodetic Survey” in subsections (a) and (b) and inserting in lieu thereof “commissioned officer corps of the National Oceanic and Atmospheric Administration”; and
   (2) in subsection (a), by striking out “including changes in those rules made after the effective date of this Act” in the matter preceding paragraph (1) and inserting in lieu thereof “as those provisions are in effect from time to time”.

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers’ Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:
“§ 1177. Members infected with HIV-1 virus: mandatory discharge or retirement

(a) Mandatory Separation.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

(b) Form of Separation.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

(c) Deferral of Separation for Members in 18-Year Retirement Sanctuary.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

(d) Separation to be Considered Involuntary.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

(e) Entitlement to Health Care.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

(f) Counseling About Available Medical Care.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member’s condition. Such information shall include identification of specific medical locations near the member’s home of record or point of discharge at which the member may seek necessary medical care.

(g) HIV-Positive Members.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.”.

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

“1177. Members infected with HIV-1 virus: mandatory discharge or retirement.”.

(b) Effective Date.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act.
before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

“CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

Subchapter I—Military Family Programs

Sec. 1781. Office of Family Policy.
Sec. 1782. Surveys of military families.
Sec. 1783. Family members serving on advisory committees.
Sec. 1784. Employment opportunities for military spouses.
Sec. 1785. Youth sponsorship program.
Sec. 1786. Dependent student travel within the United States.
Sec. 1787. Reporting of child abuse.

§ 1781. Office of Family Policy

(a) Establishment.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the ‘Office’). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

(b) Duties.—The Office—

(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(c) Staff.—The Office shall have not less than five professional staff members.

§ 1782. Surveys of military families

(a) Authority.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

(b) Responses To Be Voluntary.—Responses to surveys conducted under this section shall be voluntary.

(c) Federal Recordkeeping Requirements.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

§ 1783. Family members serving on advisory committees

A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

§ 1784. Employment opportunities for military spouses

(a) Authority.—The President shall order such measures as the President considers necessary to increase employment
opportunities for spouses of members of the armed forces. Such measures may include—

“(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

“(2) providing preference in hiring for positions in non-appropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

“(1) to implement such measures as the President orders under subsection (a);

“(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

“(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

“(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

“(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

“§ 1785. Youth sponsorship program

“(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent’s permanent change of station.

“(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

“§ 1786. Dependent student travel within the United States

“Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

“§ 1787. Reporting of child abuse

“(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).
PUBLIC LAW 104-106—FEB. 10, 1996

“(b) Definition.—In this section, the term ‘child abuse and neglect’ has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

“SUBCHAPTER II—MILITARY CHILD CARE

§ 1791. Funding for military child care

It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

§ 1792. Child care employees

(a) Required training.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.
(B) Activities and disciplinary techniques appropriate to children of different ages.
(C) Child abuse prevention and detection.
(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) Training and curriculum specialists.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

(2) The duties of such employees shall include the following:

(A) Special teaching activities at the center.
(B) Daily oversight and instruction of other child care employees at the center.
(C) Daily assistance in the preparation of lesson plans.
(D) Assistance in the center’s child abuse prevention and detection program.
(E) Advising the director of the center on the performance of other child care employees.

(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

(c) Competitive rates of pay.—The purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from non-appropriated funds—

(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and
“(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

“(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

“(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term ‘competitive service position’ means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

§ 1793. Parent fees

“(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

“(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

§ 1794. Child abuse prevention and safety at facilities

“(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

“(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

“(2) The Secretary shall publicize the existence of the number.

“(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

“(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

“(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often
than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

"(f) Remedies for Violations.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

"(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

"§ 1795. Parent partnerships with child development centers

"(a) Parent Boards.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

"(b) Parent Participation Programs.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§ 1796. Subsidies for family home day care

"The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§ 1797. Early childhood education program

"The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§ 1798. Definitions

"In this subchapter:

"(1) The term ‘military child development center’ means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.
“(2) The term ‘family home day care’ means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

“(3) The term ‘child care employee’ means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or non-appropriated funds).

“(4) The term ‘child care fee receipts’ means those non-appropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.”.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

“88. Military Family Programs and Military Child Care .......................... 1781”.

(b) Report on Five-Year Demand for Child Care.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) Plan for Implementation of Accreditation Requirement.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) Continuation of Delegation of Authority With Respect to Hiring Preference for Qualified Military Spouses.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) Repealer.—The following provisions of law are repealed:


SEC. 569. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) Purpose.—The purpose of this section is to ensure that any member of the Armed Forces (and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders) who becomes missing or unaccounted for is ultimately accounted for by the United States and, as a general rule, is not declared dead solely because of the passage of time.
(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

§ 1501. System for accounting for missing persons

(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion); and

(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion).

(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

(A) the determination of the status of persons described in subsection (c); and

(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

(4) As part of such procedures, the Secretary may provide for the extension, on a case-by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action,
or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"(e) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.

§ 1502. Missing persons: initial report

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts and status of a person described in section 1501(c) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) not later than 48 hours after receiving such information, transmit a report containing that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(b) of this title.

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.

"(c) SAFEGUARDING AND FORWARDING OF RECORDS.—A commander making a preliminary assessment under subsection (a) with respect to a missing person shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and
forward for official use any information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person. The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.

§ 1503. Actions of Secretary concerned; initial board inquiry

(a) Determination by Secretary.—Upon receiving a recommendation under section 1502(b) of this title that a person be placed in a missing status, the Secretary receiving the recommendation shall review the recommendation and, not later than 10 days after receiving such recommendation, shall appoint a board under this section to conduct an inquiry into the whereabouts and status of the person.

(b) Inquiries Involving More Than One Missing Person.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts and status of all such persons.

(c) Composition.—(1) A board appointed under this section to inquire into the whereabouts and status of a person shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

(2) An individual referred to in paragraph (1) is the following:

(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.

(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

(4) A Secretary appointing a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

(d) Duties of Board.—A board appointed to conduct an inquiry into the whereabouts and status of a missing person under this section shall—

(1) collect, develop, and investigate all facts and evidence relating to the disappearance or whereabouts and status of the person;

(2) collect appropriate documentation of the facts and evidence covered by the board's investigation;

(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

(A) the person be placed in a missing status; or

(B) the person be declared to have deserted, to be absent without leave, or (subject to the requirements of section 1507 of this title) to be dead.
(e) Board Proceedings.—During the proceedings of an inquiry under this section, a board shall—

(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts and status of each person covered by the inquiry;

(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions; and

(3) maintain a record of its proceedings.

(f) Counsel for Missing Person.—(1) The Secretary appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry or, in a case covered by subsection (b), one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as ‘missing person’s counsel’ and represents the interests of the person covered by the inquiry (and not any member of the person’s family or other interested parties).

(2) To be appointed as a missing person’s counsel, a person must—

(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial;

(B) have a security clearance that affords the counsel access to all information relating to the whereabouts and status of the person or persons covered by the inquiry; and

(C) have expertise in the law relating to missing persons, the determination of the death of such persons, and the rights of family members and dependents of such persons.

(3) A missing person’s counsel—

(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

(B) shall observe all official activities of the board during such proceedings;

(C) may question witnesses before the board; and

(D) shall monitor the deliberations of the board.

(4) A missing person’s counsel shall assist the board in ensuring that all appropriate information concerning the case is collected, logged, filed, and safeguarded.

(5) A missing person’s counsel shall review the report of the board under subsection (h) and submit to the Secretary concerned who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

(g) Access to Proceedings.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

(h) Report.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

(A) a discussion of the facts and evidence considered by the board in the inquiry;

(B) the recommendation of the board under subsection (d) with respect to each person covered by the report; and

(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than
30 days after the date of the appointment of the board to carry out the inquiry. The report may include a classified annex.

“(3) The Secretary of Defense shall prescribe procedures for the release of a report submitted under this subsection with respect to a missing person. Such procedures shall provide that the report may not be made public (except as provided for in subsection (j)) until one year after the date on which the report is submitted.

“(i) Determination by Secretary.—(1) Not later than 30 days after receiving a report from a board under subsection (h), the Secretary receiving the report shall review the report.

“(2) In reviewing a report under paragraph (1), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

“(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

“(A) be declared to be missing;
“(B) be declared to have deserted;
“(C) be declared to be absent without leave; or
“(D) be declared to be dead.

“(j) Report to Family Members and Other Interested Persons.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (i), the Secretary shall take reasonable actions to—

“(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

“(A) an unclassified summary of the unit commander’s report with respect to the person under section 1502(a) of this title; and
“(B) the report of the board (including the names of the members of the board) under subsection (h); and

“(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts and status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

“(k) Treatment of Determination.—Any determination of the status of a missing person under subsection (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

“§ 1504. Subsequent board of inquiry

“(a) Additional Board.—If information that may result in a change of status of a person covered by a determination under section 1503(i) of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

“(b) Date of Appointment.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the transmission of a report concerning the person under section 1502(a)(2) of this title.

“(c) Combined Inquiries.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section
to conduct the inquiry into the whereabouts and status of such persons.

"(d) Composition.—(1) A board appointed under this section shall be composed of at least three members as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5;

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i);

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.

"(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3) One member of each board appointed under this subsection shall be an individual who—

"(A) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

"(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, with the same qualifications as specified in section 1503(c)(4) of this title.

"(e) Duties of Board.—A board appointed under this section to conduct an inquiry into the whereabouts and status of a person shall—

"(1) review the reports with respect to the person transmitted under section 1502(a)(2) of this title and submitted under section 1503(h) of this title;

"(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person under section 1503 of this title;

"(3) draw conclusions as to the whereabouts and status of the person;
``(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and
``(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts and status of the person.
``(f) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary concerned appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.
``(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.
``(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.
``(g) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.
``(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.
``(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.
``(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—
``(A) in the case of an individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;
``(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;
``(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and
``(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (i) as to the status of the missing person.
``(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—
``(i) submit a letter of intent to the president of the board not later than 15 days after the date on which the recommendations are made; and
``(ii) submit to the president of the board the objections in writing not later than 30 days after the date on which the recommendations are made.
``(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (i).
``(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including
travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

“(h) Availability of Information to Boards.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

“(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

“(A) declassify to an appropriate degree classified information;

“(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

“(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, or if the classification markings cannot be removed before release from the information covered by the request, or if the material cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board making the request and the counsel for the missing person appointed under subsection (f).

“(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

“(i) Recommendation on Status.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts and status of each missing person covered by the inquiry.

“(2) A board may not recommend under paragraph (1) that a person be declared dead unless in making the recommendation the board complies with section 1507 of this title.

“(j) Report.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

“(k) Actions by Secretary Concerned.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary shall review—

“(A) the report;

“(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

“(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(5).

“(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (C) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

“(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.
“(l) Report to Family Members and Other Interested Persons.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (k), the Secretary shall—

“(1) provide the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

“(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts and status of the person as specified in section 1505 of this title.

“(m) Treatment of Determination.—Any determination of the status of a missing person under subsection (k) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

§ 1505. Further review

“(a) Subsequent Review.—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

“(b) Frequency of Subsequent Reviews.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

“(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

“(B) not later than every three years thereafter.

“(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

“(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

“(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

“(B) if, before the end of such 30-year period, the missing person is accounted for.

“(c) Action Upon Discovery or Receipt of Information.—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the office established under section 1501 of this title.

“(2) Upon receipt of information under paragraph (1), the head of the office established under section 1501 of this title shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person’s counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

“(3) The head of the office established under section 1501 of this title, with the advice of the missing person’s counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.
"(d) CONDUCT OF PROCEEDINGS.—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

§ 1506. Personnel files

(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

(b) CLASSIFIED INFORMATION.—The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

(1) A notice that the withheld information exists.

(2) A notice of the date of the most recent review of the classification of the withheld information.

(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

(d) PRIVILEGED INFORMATION.—(1) The Secretary concerned shall withhold from personnel files under this section, as privileged information, debriefing reports provided by missing persons returned to United States control which are obtained under a promise of confidentiality made for the purpose of ensuring the fullest possible disclosure of information.

(2) If a debriefing report contains non-derogatory information about the status and whereabouts of a missing person other than the source of the debriefing report, the Secretary concerned shall prepare an extract of the non-derogatory information. That extract, following a review by the source of the debriefing report, shall be placed in the personnel file of the missing person in such a manner as to protect the identity of the source providing the information.

(3) Whenever the Secretary concerned withholds a debriefing report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that withheld information exists.

(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

§ 1507. Recommendation of status of death

(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1503, 1504, or 1505 of this title may not recommend that a person be declared dead unless—

(1) credible evidence exists to suggest that the person is dead;

(2) the United States possesses no credible evidence that suggests that the person is alive; and

(3) representatives of the United States—
“(A) have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

“(B) have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

“(b) **S ubmittal of Information on Death.**—If a board appointed under section 1503, 1504, or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under that section the following:

“(1) A detailed description of the location where the death occurred.

“(2) A statement of the date on which the death occurred.

“(3) A description of the location of the body, if recovered.

“(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

### § 1508. Judicial review

“(a) **R ight of Review.**—A person who is the primary next of kin (or the previously designated person) of a person who is the subject of a finding described in subsection (b) may obtain judicial review in a United States district court of that finding, but only on the basis of a claim that there is information that could affect the status of the missing person's case that was not adequately considered during the administrative review process under this chapter. Any such review shall be as provided in section 706 of title 5.

“(b) **F indings for Which J udicial R eview May Be Sought.**—Subsection (a) applies to the following findings:

“(1) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

“(2) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

(c) **S ubsequent R eview.**—Appeals from a decision of the district court shall be taken to the appropriate United States court of appeals and to the Supreme Court as provided by law.

### § 1509. P reenactment, special interest cases

“(a) **R eview of Status.**—In the case of an unaccounted for person covered by section 1501(c) of this title who is described in subsection (b), if new information that could change the status of that person is found or received by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title, that information shall be provided to the Secretary of Defense with a request that the Secretary evaluate the information in accordance with sections 1505(c) and 1505(d) of this title.

“(b) **C ases E ligible for R eview.**—The cases eligible for review under this section are the following:

“(1) With respect to the Korean conflict, any unaccounted for person who was classified as a prisoner of war or as missing in action during that conflict and who (A) was known to be or suspected to be alive at the end of that conflict, or (B) was classified as missing in action and whose capture was possible.

“(2) With respect to the Cold War, any unaccounted for person who was engaged in intelligence operations (such as
aerial ‘ferret’ reconnaissance missions over and around the
Soviet Union and China) during the Cold War.

“(3) With respect to the Indochina war era, any unac-
counted for person who was classified as a prisoner of war
or as missing in action during the Indochina conflict.

“(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS ‘KIA/BNR’.—
In the case of a person described in subsection (b) who was classified
as ‘killed in action/body not recovered’, the case of that person
may be reviewed under this section only if the new information
referred to in subsection (a) is compelling.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Korean conflict’ means the period beginning

“(2) The term ‘Cold War’ means the period beginning on
September 2, 1945, and ending on August 21, 1991.

“(3) The term ‘Indochina war era’ means the period begin-
ing on July 8, 1959, and ending on May 15, 1975.

§ 1510. Applicability to Coast Guard

“(a) DESIGNATED OFFICER TO HAVE RESPONSIBILITY.—The
Secretary of Transportation shall designate an officer of the Depart-
ment of Transportation to have responsibility within the Depart-
ment of Transportation for matters relating to missing persons
who are members of the Coast Guard.

“(b) PROCEDURES.—The Secretary of Transportation shall pre-
scribe procedures for the determination of the status of persons
described in section 1501(c) of this title who are members of the
Coast Guard and for the collection, analysis, review, and update
of information on such persons. To the maximum extent practicable,
the procedures prescribed under this section shall be similar to
the procedures prescribed by the Secretary of Defense under section
1501(b) of this title.

§ 1511. Return alive of person declared missing or dead

“(a) PAY AND ALLOWANCES.—Any person (except for a person
subsequently determined to have been absent without leave or
a deserter) in a missing status or declared dead under subchapter
VII of chapter 55 of title 5 or chapter 10 of title 37 or by a
board appointed under this chapter who is found alive and returned
to the control of the United States shall be paid for the full time
of the absence of the person while given that status or declared
dead under the law and regulations relating to the pay and allow-
ances of persons returning from a missing status.

“(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—
Subsection (a) shall not be interpreted to invalidate or otherwise
affect the receipt by any person of a death gratuity or other payment
from the United States on behalf of a person referred to in sub-
section (a) before the date of the enactment of this chapter.

§ 1512. Effect on State law

“(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this
chapter shall be construed to invalidate or limit the power of
any State court or administrative entity, or the power of any court
or administrative entity of any political subdivision thereof, to find
or declare a person dead for purposes of such State or political
subdivision.

“(b) STATE DEFINED.—In this section, the term ‘State’ includes
the District of Columbia, the Commonwealth of Puerto Rico, and
any territory or possession of the United States.

§ 1513. Definitions

“In this chapter:

“(1) The term ‘missing person’ means—

“(A) a member of the Armed Forces on active duty
who is in a missing status; or
“(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the Armed Forces in the field under orders and who is in a missing status.

“(2) The term ‘missing status’ means the status of a missing person who is determined to be absent in a category of any of the following:

“(A) Missing.
“(B) Missing in action.
“(C) Interned in a foreign country.
“(D) Captured.
“(E) Beleaguered.
“(F) Besieged.
“(G) Detained in a foreign country against that person’s will.

“(3) The term ‘accounted for’, with respect to a person in a missing status, means that—

“(A) the person is returned to United States control alive;
“(B) the remains of the person are recovered and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or
“(C) credible evidence exists to support another determination of the person’s status.

“(4) The term ‘primary next of kin’, in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

“(5) The term ‘member of the immediate family’, in the case of a missing person, means the following:

“(A) The spouse of the person.
“(B) A natural child, adopted child, stepchild, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.
“(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.
“(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.
“(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

“(6) The term ‘previously designated person’, in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

“(7) The term ‘classified information’ means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

“(8) The term ‘theater component commander’ means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.”

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States
Code, are amended by inserting after the item relating to chapter 75 the following new item:

"76. Missing Persons ........................................................................................................... 1501".

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out "When a member" and inserting in lieu thereof "Except as provided in subsection (d), when a member"; and

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

"(d) This section does not apply in a case to which section 1502 of title 10 applies.".

(2) Section 552 is amended—

(A) in subsection (a), by striking out "for all purposes," in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in subsection (b), by inserting "or under chapter 76 of title 10" before the period at the end; and

(C) in subsection (e), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(3) Section 553 is amended—

(A) in subsection (f), by striking out "the date the Secretary concerned receives evidence that" and inserting in lieu thereof "the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that"; and

(B) in subsection (g), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

"Paragraphs (1), (5), (6), and (7) only apply with respect to a case to which section 555 of this title applies."

(B) in subsection (b), by inserting "in a case to which section 555 of this title applies," after "When the Secretary concerned"; and

(C) in subsection (h)—

(i) in the first sentence, by striking out "status" and inserting in lieu thereof "pay"; and

(ii) in the second sentence, by inserting "in a case to which section 555 of this title applies" after "under this section".

(d) DESIGNATION OF PERSONS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 655. Designation of persons having interest in status of a missing member

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified
by the member under subsection (a) at any time. Any such revision shall be in writing.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“655. Designation of persons having interest in status of a missing member.”.

(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the provisions of subchapter VII of chapter 55 of title 5, United States Code (commonly referred to as the “Missing Persons Act of 1942”) (5 U.S.C. 5561 et seq.) and any other law or regulation establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study shall be to determine the means, if any, by which those procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the United States as the President designates for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

“(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.”.

Subtitle G—Support for Non-Department of Defense Activities

SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—The following provisions of law are repealed:

(1) Section 410 of title 10, United States Code.

(b) Repeal of Related Provision.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs, is repealed.

(c) Technical and Conforming Amendments.—Chapter 20 of title 10, United States Code, is amended—

(1) by striking out the table of subchapters after the chapter heading;
(2) by striking out the subchapter heading for subchapter I; and
(3) by striking out the subchapter heading for subchapter II and the table of sections following that subchapter heading.

SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL SUPPORT AND SERVICES FOR ELIGIBLE ORGANIZATIONS AND ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) In General.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

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§ 2012. Support and services for eligible organizations and activities outside Department of Defense

(a) Authority to provide services and support.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

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(1) such assistance is authorized by a provision of law (other than this section); or

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(2) the provision of such assistance is incidental to military training.

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(b) Scope of Covered Activities Subject to Section.—This section does not—

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(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

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(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

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(c) Requirement for Specific Request.—Assistance under subsection (a) may only be provided if—

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(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

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(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

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(d) Relationship to Military Training.—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

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(A) The provision of such assistance—

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(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

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(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

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“(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

“(C) The provision of such assistance will not result in a significant increase in the cost of the training.

“(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

“(e) ELIGIBLE ENTITIES.—The following organizations and activities are eligible for assistance under this section:

“(1) Any Federal, regional, State, or local governmental entity.

“(2) Youth and charitable organizations specified in section 508 of title 32.

“(3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

“(1) Rules governing the types of assistance that may be provided.

“(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

“(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

“(A) meets a valid need; and

“(B) does not duplicate other available public services.

“(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

“(g) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

“(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

“(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

“(h) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

“(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

“(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2012. Support and services for eligible organizations and activities outside Department of Defense.”.
pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act and such authority shall terminate as of the end of that period.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF CIVIL-MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE.

No funds may be obligated or expended after the date of the enactment of this Act (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil-Military Programs, or (2) for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) RESCISSION OF PRIOR SECTION 1009 ADJUSTMENT.—The adjustment made as of January 1, 1996, pursuant to section 4 of Executive Order No. 12984 (issued December 28, 1995), in elements of compensation of members of the uniformed services pursuant to section 1009 of title 37, United States Code, is hereby rescinded.

(b) INCREASE IN BASIC PAY AND BAS.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services, as in effect on December 31, 1995, are hereby increased by 2.4 percent.

(c) INCREASE IN BAQ.—The rates of basic allowance for quarters of members of the uniformed services, as in effect on December 31, 1995, are hereby increased by 5.2 percent.

(d) EFFECTIVE DATE.—This section shall take effect as of January 1, 1996.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS RESIDING WITHOUT DEPENDENTS IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

“(4) In the case of enlisted members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The Secretary concerned shall achieve the percentage...
limitation specified in this paragraph as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.”.

(b) **Stylistic Amendments.**—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);
(2) by inserting “(1)” after “(b)”; and
(3) by designating the text composed of the second, third, and fourth sentences as paragraph (2); and
(4) by designating the text composed of the fifth and sixth sentences as paragraph (3).

(c) **Conforming Amendments.**—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out “the third sentence of subsection (b)” and inserting in lieu thereof “subsection (b)(2)”; and
(B) in paragraph (2), by striking out “subsection (b)” and inserting in lieu thereof “subsection (b)(2)”.

(2) Section 1012 of title 37, United States Code, is amended by striking out “the last sentence of section 402(b)” and inserting in lieu thereof “section 402(b)(3)”.

(d) **Report Required.**—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and Marine Corps—

(1) the number of members who reside without dependents in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;
(2) such number as a percentage of the total number of members who reside without dependents in Government quarters;
(3) a recommended maximum percentage of the members residing without dependents in Government quarters at their permanent duty station who should receive a basic allowance for subsistence; and
(4) the reasons such maximum percentage is recommended.

SEC. 603. **ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.**

(a) **Election Authorized.**—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and
(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out “However, subject” and inserting in lieu thereof “Subject”; and
(3) by adding at the end the following new paragraph:

“(3) A member without dependents who is in pay grade E-6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.”.

(b) **Effective Date.**—The amendments made by this section shall take effect on July 1, 1996.

SEC. 604. **PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS IN PAY GRADE E-6 WHO ARE ASSIGNED TO SEA DUTY.**

(a) **Payment Authorized.**—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out “E-7” and inserting in lieu thereof “E-6”; and
SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—(1) Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: "However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 606. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by
striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308(i) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(b) Accession Bonus for Registered Nurses.—Section 302(a)(1) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302(e)(1) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking out “September 30, 1995,” and inserting in lieu thereof “September 30, 1997”.

(b) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(c) Enlistment Bonuses for Critical Skills.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(d) Special Pay for Enlisted Members of the Selected Reserve Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(e) Special Pay for Nuclear Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(f) Nuclear Career Accession Bonus.—Section 312(b)(c) of title 37, United States Code, is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 1997”.

(g) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of title 37, United States Code, is amended by striking out “October 1, 1996” and inserting in lieu thereof “October 1, 1997”.

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking out “October 1, 1996” and inserting in lieu thereof “October 1, 1997”.

(i) Coverage of Period of Lapsed Agreement Authority.—
(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agree-
ment had the amendment made by subsection (a) taken effect on October 1, 1995.

(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

(3) For purposes of this subsection, the term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) Special Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

“§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

“(a) Special Pay Authorized.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

“(b) Eligible Officers.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

“(c) Time for Payment.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

“(d) Refund Requirement.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

“(e) Inapplicability of Discharge in Bankruptcy.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

“(f) Termination of Agreement Authority.—No agreement under this section may be entered into after September 30, 1997.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

“302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.”.

(b) Conforming Amendment.—Section 303a of title 37, United States Code, is amended by striking out “302, 302a, 302b, 302c, 302d, 302e,” each place it appears and inserting in lieu thereof “302 through 302g”.

(c) Conforming Repeal.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 37 U.S.C. 302 note) is repealed.

(2) The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply to agreements entered into under such section before such date.
SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

(a) INCLUSION OF ADDITIONAL MEMBERS.—Subsection (a)(11) of section 301 of title 37, United States Code, is amended by striking out “an officer (other than a warrant officer)” and inserting in lieu thereof “a member”.

(b) CALCULATION OF HAZARDOUS DUTY INCENTIVE PAY.—The table in subparagraph (A) of subsection (c)(2) of such section is amended to read as follows:

<table>
<thead>
<tr>
<th>Pay grade</th>
<th>Years of service as an air weapons controller</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 or less</td>
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<tr>
<td>O±7 and above</td>
<td>$200</td>
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<tr>
<td>O±6</td>
<td>225</td>
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<tr>
<td>O±5</td>
<td>200</td>
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<td>150</td>
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<tr>
<td>E±4 and below</td>
<td>125</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pay grade—Continued</th>
<th>Years of service as an air weapons controller—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Over 12</td>
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<tr>
<td>O±7 and above</td>
<td>$200</td>
</tr>
<tr>
<td>O±6</td>
<td>350</td>
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<tr>
<td>O±5</td>
<td>350</td>
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<td>O±3</td>
<td>350</td>
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<td>300</td>
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<td>E±5</td>
<td>250</td>
</tr>
<tr>
<td>E±4 and below</td>
<td>200</td>
</tr>
</tbody>
</table>

(c) CONFORMING AMENDMENTS.—Subsection (c)(2) of such section is further amended—

(1) by striking out “an officer” each place it appears and inserting in lieu thereof “a member”; and

(2) by striking out “the officer” each place it appears and inserting in lieu thereof “the member”.

SEC. 616. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out “9” and inserting in lieu thereof “8”.

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: “The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.”.

SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—
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(1) by striking out “or” after “Air Force,”; and
(2) by inserting before the semicolon the following: “, an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse”.

SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Subparagraph (A) of section 305a(d)(1) of title 37, United States Code, is amended to read as follows:
“(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—
“(i) while serving on a ship the primary mission of which is accomplished while under way;
“(ii) while serving as a member of the off-crew of a two-crewed submarine; or
“(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or”.

SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: “In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REPEAL OF REQUIREMENT REGARDING CALCULATION OF ALLOWANCES ON BASIS OF MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out “, based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense”.

SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out “ordered” each place it appears and inserting in lieu thereof “authorized or ordered”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.

SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD FROM MEMBER’S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—
(1) by striking out “who became 21 years of age” and inserting in lieu thereof “who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member”; and
(2) by inserting “still” after “shall”.

37 USC 307 note.
37 USC 305a note.
SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out “or” at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof “; or”; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

“(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member’s dependents actually move or, in the case of a member without dependents, the member actually moves.”

(b) CONFORMING AMENDMENTS.—(1) The last sentence of such subsection is amended—

(A) by striking out “clause (3) or (4)(B)” and inserting in lieu thereof “paragraph (3) or (4)(B)”;

and

(B) by striking out “clause (1)” and inserting in lieu thereof “paragraph (1) or (5)”.

(2) Subsection (b) of such section is amended—

(A) by striking out “subsection (a)(3) or (a)(4)(B)” in the first sentence and inserting in lieu thereof “paragraph (3) or (4)(B) of subsection (a)”;

and

(B) by striking out “subsection (a)(1)” in the second sentence and inserting in lieu thereof “paragraph (1) or (5) of subsection (a)”.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters


(a) ADJUSTMENT OF EFFECTIVE DATES.—Subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended to read as follows:

“(B) SPECIAL RULES FOR FISCAL YEARS 1996 AND 1998.—

“(i) FISCAL YEAR 1996.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1995, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1996.

“(ii) FISCAL YEAR 1998.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September 1998.”.

(b) CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—

(1) If a civil service retiree cola that becomes effective during fiscal year 1998 becomes effective on a date other than the date on which a military retiree cola during that fiscal year is specified to become effective under subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, as amended by subsection (a), then the increase in military retired and retainer pay shall become payable as part of such retired and retainer pay effective on the same date on which such civil service retiree cola becomes effective (notwithstanding the date otherwise specified in such subparagraph (B)).
(2) Paragraph (1) does not apply with respect to the retired pay of a person retired under chapter 61 of title 10, United States Code.

(3) For purposes of this subsection:

(A) The term "civil service retiree cola" means an increase in annuities under the Civil Service Retirement System either under section 8340(b) of title 5, United States Code, or pursuant to a law providing a general increase in such annuities.

(B) The term "military retiree cola" means an adjustment in retired and retainer pay pursuant to section 1401a(b) of title 10, United States Code.

(c) Repeal of Prior Conditional Enactment.—Section 8114A(b) of Public Law 103–335 (108 Stat. 2648) is repealed.

SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY FOR RESERVES RECEIVING CERTAIN COURT-MARTIAL SENTENCES.

(a) In General.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12740. Eligibility: denial upon certain punitive discharges or dismissals

"A person who—

"(1) is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title) and whose sentence includes death; or

"(2) is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal,

is not eligible for retired pay under this chapter.",

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12740. Eligibility: denial upon certain punitive discharges or dismissals.",

(b) Effective Date.—Section 12740 of title 10, United States Code, as added by subsection (a), shall apply with respect to court-martial sentences adjudged after the date of the enactment of this Act.

SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) Study Required.—(1) The Secretary of Defense shall conduct a study to determine the number of potential beneficiaries there would be if Congress were to enact authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component who died during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of death would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) Required Determinations.—As part of the study under subsection (a), the Secretary shall determine the following:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.
(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study under this section. The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1), together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERRILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured on the Island of Bataan in the territory of the Philippines by Japanese forces;

(2) participated in the Bataan Death March;

(3) escaped from captivity; and

(4) served as a guerrilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (4) of subsection (b) and which was not paid to that individual. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVERPAYMENTS UNDER MINIMUM INCOME WIDOWS PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may waive recovery by the United States of any overpayment by the United States described in subsection (b). In the case of any such waiver, any debt to the United States arising from such overpayment is forgiven.

(b) COVERED OVERPAYMENTS.—Subsection (a) applies in the case of an overpayment by the United States that—

(1) was made before the date of the enactment of this Act under section 4 of Public Law 92-425 (10 U.S.C. 1448 note); and

(2) is attributable to failure by the Department of Defense to apply the eligibility provisions of subsection (a) of such section in the case of the person to whom the overpayment was made.
SEC. 636. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COVERAGE OF PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by adding at the end the following: “Upon establishment of such a program, the program shall apply in the case of each such member described in subsection (b) who is under the jurisdiction of the Secretary establishing the program.”

(b) CLARIFICATION OF PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out “any case of a separation from active duty as described in subsection (b)” and inserting in lieu thereof “the case of any individual described in subsection (b)”;

(B) by striking “former member” and inserting in lieu thereof “individual”;

(2) in paragraph (1)—

(A) by striking out “former member” and inserting in lieu thereof “individual”; and

(B) by striking out “member” and inserting in lieu thereof “individual”;

(3) in paragraph (2), by striking out “former member” both places it appears and inserting in lieu thereof “individual described in subsection (b)”;

(4) in paragraph (3), by striking out “former member” and inserting in lieu thereof “individual described in subsection (b)”;

(5) in paragraph (4), by striking out “member” both places it appears and inserting in lieu thereof “individual described in subsection (b)”.

(c) EFFECTIVE DATE.—Section 554(b) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 1059 note) is amended—

(1) in paragraph (1), by striking out “on or after the date of the enactment of this Act” and inserting in lieu thereof “after November 29, 1993”; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) Payments of transitional compensation under that section in the case of any person eligible to receive payments under that section shall be made for each month after November 1993 for which that person may be paid transitional compensation in accordance with that section.”.

Subtitle E—Other Matters

SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEMBERS FOR ALL LEAVE ACCRUED.

(a) INAPPLICABILITY OF 60-DAY LIMITATION.—Section 501(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

“(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.”.

(b) CONFORMING AMENDMENT.—Section 501(f) of such title is amended by striking out “, (d),” in the first sentence.
SEC. 642. REPEAL OF REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—
   (A) by striking out subsection (i); and
   (B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (l), (j), (k), (l), and (m), respectively.
(2) Section 2634(d) of title 10, United States Code, is amended by striking out “section 406(l) of title 37” and inserting in lieu thereof “section 406(k) of title 37”.

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section 1008(a) of title 37, United States Code, is amended by striking out the second sentence.

(c) REPORT ON QUADRENNIAL REVIEW OF ADJUSTMENTS IN COMPENSATION.—Section 1009(f) of such title is amended by striking out “of this title,” and all that follows through the period at the end and inserting in lieu thereof “of this title.”.

SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) IN GENERAL.—Subsection (j) of section 5520a of title 5, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

``(2) Such regulations shall provide that an agency's administrative costs incurred in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.”.

(b) INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS OF THE UNIFORMED SERVICES.—Subsection (k) of such section is amended—
   (1) by redesignating paragraph (3) as paragraph (4); and
   (2) by inserting after paragraph (2) the following new paragraph:

``(3) Regulations under this subsection may also provide that the administrative costs incurred in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.”.

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE EXPENSES.—Such section is further amended by adding at the end the following:

``(l) The amount of an agency's administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(3) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.”.

SEC. 644. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress a report containing the determinations of the Secretary regarding whether, in order to improve the working conditions of noncommissioned officers in pay grades E-5 and E-6, any of the privileges afforded noncommissioned officers in any of the pay grades above E-6 should be extended to noncommissioned officers in pay grades E-5 and E-6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF BAS.—The Secretary shall include in the report a determination on whether noncommissioned officers in pay grades E-5 and E-6 should be afforded the same privilege as noncommissioned officers in pay grades above E-6 to elect to mess separately and receive the basic allowance for subsistence.
(c) ADDITIONAL MATTERS.—The report shall also contain a discussion of the following matters:
   (1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E-5 and E-6.
   (2) The effects on readiness that would result from extending the additional privileges.
   (3) The options for extending the privileges on an incremental basis over an extended period.
   (d) RECOMMENDED LEGISLATION.—The Secretary shall include in the report any recommended legislation that the Secretary considers necessary in order to authorize extension of a privilege as determined appropriate under subsection (a).

SEC. 645. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—
   (1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and
   (2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Effective April 1, 1996, section 1967 of title 38, United States Code, is amended—
   (1) in subsections (a) and (c), by striking out “$100,000” each place it appears and inserting in lieu thereof in each instance “$200,000”;
   (2) by striking out subsection (e); and
   (3) by redesignating subsection (f) as subsection (e).

SEC. 647. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE READY RESERVE WHO FAIL TO PAY PREMIUMS.

(a) AUTHORITY.—Section 1969(a)(2) of title 38, United States Code, is amended—
   (1) by inserting “(A)” after “(2)”; and
   (2) by adding at the end the following:
      “(B) If an individual who is required pursuant to subparagraph (A) to make a direct remittance of costs to the Secretary concerned fails to make the required remittance within 60 days of the date on which such remittance is due, such individual’s insurance with respect to which such remittance is required shall be terminated by the Secretary concerned. Such termination shall be made by written notice to the individual’s official address and shall be effective 60 days after the date of such notice. Such termination of insurance may be vacated if, before the effective date of termination, the individual remits all amounts past due for such insurance and demonstrates to the satisfaction of the Secretary concerned that the failure to make timely remittances was justifiable.”.

(b) CONFORMING AMENDMENT.—Section 1968(a) is amended by inserting “(or discontinued pursuant to section 1969(a)(2)(B) of this title)” in the matter preceding paragraph (1) after “upon the written request of the insured”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1996.
TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

“(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

“(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

“(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;”.

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVES.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence.”.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out “or” at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence; or”.

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out “or” at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof “; or”; and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence.”.

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out “or” at the end of the subparagraph;
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(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof “; or”; and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence.”.

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out “or” at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof “; or”; and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member’s residence.”.

SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

(a) CHANGE IN ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 1076(b) of title 10, United States Code, is amended—

(1) by striking out “death (A) would” and inserting in lieu thereof “death would”; and

(2) by striking out “, and (B) had elected to participate in the Survivor Benefit Plan established under subchapter II of chapter 73 of this title”.

(b) CONFORMING AMENDMENTS.—Such paragraph is further amended—

(1) in the matter following paragraph (2), by striking out “clause (2)” the first place it appears and inserting in lieu thereof “paragraph (2)”;

(2) by striking out the second sentence.

SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.

(a) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out “this section” and inserting in lieu thereof “subsection (b)”;

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

“(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

“(A) An annual medical screening.

“(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

“(C) An annual dental screening.

“(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

“(2) The services provided under this subsection shall be provided at no cost to the member.”.

(b) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.
SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

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§ 1076b. Selected Reserve dental insurance

(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected Reserve of the Ready Reserve. The plan shall provide for voluntary enrollment and for premium sharing between the Department of Defense and the members enrolled in the plan. The plan shall be administered under regulations prescribed by the Secretary of Defense.

(b) PREMIUM SHARING.—(1) A member enrolling in the dental insurance plan shall pay a share of the premium charged for the insurance coverage. The member's share may not exceed $25 per month.

(2) The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members under paragraph (1) if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the dental insurance plan.

(3) A member's share of the premium for coverage by the dental insurance plan shall be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.

(4) The Secretary of Defense shall pay the portion of the premium charged for coverage of a member under the dental insurance plan that exceeds the amount paid by the member.

(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

(d) TERMINATION OF COVERAGE.—The coverage of a member by the dental insurance plan shall terminate on the last day of the month in which the member is discharged, transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve, or is ordered to active duty for a period of more than 30 days.

(b) IMPLEMENTATION.—Beginning not later than October 1, 1996, the Secretary of Defense shall offer members of the Selected Reserve the opportunity to enroll in the dental insurance plan required under section 1076b of title 10, United States Code (as added by subsection (a)). During fiscal year 1996, the Secretary shall collect such information and complete such planning and other preparations as are necessary to offer and administer the dental insurance plan by that date. The activities undertaken by the Secretary under this subsection during fiscal year 1996 may include—

(1) surveys; and

(2) tests, in not more than three States, of a dental insurance plan or alternative dental insurance plans meeting the requirements of section 1076b of title 10, United States Code.
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Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM.
For purposes of this subtitle, the term “TRICARE program” means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.
Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out “However, the Secretary may” and inserting in lieu thereof “Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall”.

SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE PROGRAM.
Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: “Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a quarterly basis, any enrollment fee required for such participation.”

SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE PROGRAM TO BE BASED ON ENTIRE PROGRAM.
(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103±160; 10 U.S.C. 1073 note) is amended—
(1) by striking out “each managed health care initiative that includes the option” and inserting in lieu thereof “the TRICARE program”; and
(2) by striking out “covered beneficiaries who enroll in the option” and inserting in lieu thereof “members of the uniformed services and covered beneficiaries who participate in the TRICARE program”.
(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:
“(d) DEFINITIONS.—For purposes of this section:
“(1) The term ‘covered beneficiary’ means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.
“(2) The term ‘TRICARE program’ means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.”

SEC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.
(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration—
(1) to each commander of a military medical treatment facility of the Department of Defense who is selected to serve
as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program; and

(2) to appropriate members of the support staff of the treatment facility who will be responsible for daily operation of the TRICARE program.

(b) REPORT ON IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the professional educational program implemented pursuant to this section.

SEC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

(a) PROGRAM REQUIRED.—(1) During fiscal year 1996, the Secretary of Defense, in consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, shall implement a pilot program to provide residential and wraparound services to children described in paragraph (2) who are in need of mental health services. The Secretary shall implement the pilot program for an initial period of at least two years in a military health care region in which the TRICARE program has been implemented.

(2) A child shall be eligible for selection to participate in the pilot program if the child is a dependent (as described in subparagraph (D) or (I) of section 1072(2) of title 10, United States Code) who—

(A) is eligible for health care under section 1079 or 1086 of such title; and

(B) has a serious emotional disturbance that is generally regarded as amenable to treatment.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this section, the term “wraparound services” means individualized mental health services that are provided principally to allow a child to remain in the family home or other least-restrictive and least-costly setting, but also are provided as an aftercare planning service for children who have received acute or residential care. Such term includes nontraditional mental health services that will assist the child to be maintained in the least-restrictive and least-costly setting.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the Secretary of Defense shall enter into one or more agreements that require a mental health services provider under the agreement—

(1) to provide wraparound services to a child described in subsection (a)(2);

(2) to continue to provide such services as needed during the period of the agreement even if the child moves to another location within the same TRICARE program region during that period; and

(3) to share financial risk by accepting as a maximum annual payment for such services a case-rate reimbursement not in excess of the amount of the annual standard CHAMPUS residential treatment benefit payable (as determined in accordance with section 8.1 of chapter 3 of volume II of the CHAMPUS policy manual).

(d) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the program carried out under this section. The report shall contain—

(1) an assessment of the effectiveness of the program; and

(2) the Secretary’s views regarding whether the program should be implemented throughout the military health care system.
SEC. 717. EVALUATION AND REPORT ON TRICARE PROGRAM EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address—

(1) the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services; and

(2) identify noncatchment areas in which the health maintenance organization option of the TRICARE program is available or is proposed to become available.

(b) ENTITY TO CONDUCT EVALUATION.—The Secretary may use a federally funded research and development center to conduct the evaluation required by subsection (a).

(c) ANNUAL REPORT.—Not later than March 1, 1997, and each March 1 thereafter, the Secretary shall submit to Congress a report describing the results of the evaluation under subsection (a) during the preceding year.

SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO HEALTH CARE UNDER TRICARE PROGRAM FOR COVERED BENEFICIARIES WHO ARE MEDICARE ELIGIBLE.

(a) FINDINGS.—Congress finds the following:

(1) Medical care provided in facilities of the uniformed services is generally less expensive to the Federal Government than the same care provided at Government expense in the private sector.

(2) Covered beneficiaries under the military health care provisions of chapter 55, United States Code, who are eligible for medicare under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) deserve health care options that empower them to choose the health plan that best fits their needs.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should develop a program to ensure that such covered beneficiaries who reside in a region in which the TRICARE program has been implemented continue to have adequate access to health care services after the implementation of the TRICARE program; and

(2) as a means of ensuring such access, the budget for fiscal year 1997 submitted by the President under section 1105 of title 31, United States Code, should provide for reimbursement by the Health Care Financing Administration to the Department of Defense for health care services provided to such covered beneficiaries in medical treatment facilities of the Department of Defense.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

SEC. 722. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

“(f) LIMITATION ON EXPENDITURES.—The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such fiscal year.”.

SEC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of Defense may require, by regulation, a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the private CHAMPUS provider provides to a member of the uniformed services who is enrolled in a health care plan of a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)) when the health care is provided outside the catchment area of the facility.

“(2) In this subsection:

“(A) The term ‘private CHAMPUS provider’ means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

“(B) The term ‘CHAMPUS payment rules’ means the payment rules referred to in subsection (c).

“(3) The Secretary of Defense shall prescribe regulations under this subsection after consultation with the other administering Secretaries.”.

SEC. 724. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out “A participation agreement” and inserting in lieu thereof “Except as provided in paragraph (4), a participation agreement”;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.”.
(b) Sense of Congress.—(1) Congress finds that the Uniformed Services Treatment Facilities provide quality health care to the 120,000 Department of Defense beneficiaries enrolled in the Uniformed Services Family Health Plan provided by these facilities.

(2) In light of such finding, it is the sense of Congress that the Uniformed Services Family Health Plan provided by the Uniformed Services Treatment Facilities should not be terminated for convenience under provisions of the Federal Acquisition Regulation by the Secretary of Defense before the expiration of the current participation agreements.

(3) For purposes of this subsection, the term "Uniformed Services Treatment Facility" means a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

"(5) PLAN FOR INTEGRATING FACILITIES.—(A) The Secretary of Defense shall develop a plan under which Uniformed Services Treatment Facilities could be included, before the expiration date of the participation agreements entered into under this section, in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

(D) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Time for Fee Implementation.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or
(2) October 1, 1996.

(b) Submission of Actuarial Estimates.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

(c) Evaluation.—(1) Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

(A) cause adverse selection of enrollees;
(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or
(C) result in an enrolled population dissimilar to the general beneficiary population.

(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.

SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENT REGARDING UNIFORMED SERVICES TREATMENT FACILITIES.


Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) Maximum Payment.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

“(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

(A) the amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during the base period; or
(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).”.

(b) Comparison to Medicare Payments.—Such subsection is further amended by adding at the end the following new paragraph:

“(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.”.

(c) Exceptions and Limitations.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

“(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide...
for such exceptions to the payment limitations under paragraph (1) as the Secretary determines to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts higher than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To provide a suitable transition from the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent below the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

“(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider)).”.

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out “paragraph (1)” and inserting in lieu thereof “paragraph (1)(A)”.

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. In developing the notification mechanism, the administering Secretaries shall consult with the administrator of the Health Care Financing Administration.”.

SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after “Secretary of Defense” the following: “, with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,”; and

(2) by striking out “medical treatment facilities of the Department of Defense” and inserting in lieu thereof “such facilities”.

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1995.

SEC. 734. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:
"(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations providing for the collection of information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

"(2) The collection of information under regulations prescribed under paragraph (1) shall be conducted in the same manner as is provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of Social Security account numbers for all covered beneficiaries.

"(3) The Secretary may disclose relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

"(4) The Secretary may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Notwithstanding clause (iii) of such section, clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

"(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title."

SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) Redesignation.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "Military Health Care Account" and inserting in lieu thereof "Defense Health Program Account"; and

(B) by striking out "the Civilian Health and Medical Program of the Uniformed Services" and inserting in lieu thereof "medical and health care programs of the Department of Defense"; and

(2) in subsection (b)—

(A) by striking out "entering into a contract" and inserting in lieu thereof "conducting programs and activities under this chapter, including contracts entered into"; and

(b) Two Year Availability of Certain Appropriations.—Subsection (a)(2) of such section is amended to read as follows:

"(2) Of the total amount appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount shall remain available for obligation until the end of the following fiscal year."

(c) Conforming Amendments.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§ 1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1100. Defense Health Program Account.".
SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR
HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—
(1) in the subsection heading, by inserting “AND DENTISTS” after “PHYSICIANS”;
(2) in paragraph (1)(A), by inserting “or dental school” after “medical school”;
(3) in paragraphs (1)(B) and (2)(B), by inserting “or dental officer” after “medical officer”; and
(4) in paragraph (1)(C), by striking out “physicians in a medical specialty” and inserting in lieu thereof “physicians or dentists in a medical or dental specialty”.

SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) INCLUSION OF COAST GUARD.—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:
“(4) The Coast Guard.”.
(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4971).

SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is amended—
(1) by inserting “(a) RESTRICTION ON USE OF FUNDS.—” before “Funds available”; and
(2) by adding at the end the following:
“(b) RESTRICTION ON USE OF FACILITIES.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:
“§ 1093. Performance of abortions: restrictions”.
(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:
“1093. Performance of abortions: restrictions.”.

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2116. Military nursing research
“(a) DEFINITIONS.—In this section:
“(1) The term ‘military nursing research’ means research on the furnishing of care and services by nurses in the armed forces.
“(2) The term ‘TriService Nursing Research Program’ means the program of military nursing research authorized under this section.
“(b) PROGRAM AUTHORIZED.—The Secretary of Defense may establish at the University a program of military nursing research.
“(c) TriService Research Group.—The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group.
“(d) Duties of Group.—The TriService Nursing Research Group shall—
“(1) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and
“(2) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—
“(A) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and
“(B) expertise and information beneficial to the encouragement of meaningful nursing research.
“(e) Research Topics.—For purposes of this section, military nursing research includes research on the following issues:
“(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.
“(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.
“(3) Issues regarding how to prevent complications associated with battle injuries.
“(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.
“(5) Issues regarding how to improve methods of training nursing personnel.
“(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.
“(7) Women’s health issues.
“(8) Wellness issues.
“(9) Preventive medicine issues.
“(10) Home care management issues.
“(11) Case management issues.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:
“2116. Military nursing research.”.

SEC. 742. Termination of Program to Train Military Psychologists to Prescribe Psychotropic Medications.

(a) Termination.—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897).

(b) Prohibition on Additional Enrollees Pending Termination.—After the date of the enactment of this Act, the Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) Effect on Current Participants.—The requirement to terminate the demonstration pilot program described in subsection (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.
(d) **Evaluation.**—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

1. a cost-benefit analysis of the program;
2. a discussion of the utilization requirements under the program; and
3. recommendations regarding—
   A. whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and
   B. any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

**SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPS ELIGIBILITY.**

(a) **Authority to Waive Collection.**—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person’s eligibility for such benefits.

(b) **Persons Eligible for Waiver.**—A person shall be eligible for relief under subsection (a) if the person—

1. is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;
2. in the absence of such paragraph, would have been eligible for health benefits under such section; and
3. at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) **Extent of Waiver Authority.**—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

1. the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) specifically for such persons; and
2. July 1, 1996.

(d) **Definitions.**—For purposes of this section, the term “administering Secretaries” has the meaning given such term in section 1072(3) of title 10, United States Code.

**SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.**

(a) **Demonstration Program.**—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or nonprofit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

2. Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

3. The agreement shall require, as consideration for the services provided by military medical personnel under the agreement, that the hospital provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would
otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives that the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395ct seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 747. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL, RETIRED MILITARY PERSONNEL, AND THEIR DEPENDENTS.

(a) EFFECT OF CLOSURE ON MEMBERS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.—Not
later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf conflict; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such members for such illnesses (or combination of illnesses).

(b) EFFECT OF CLOSURE ON OTHER COVERED BENEFICIARIES.—The report required by subsection (a) shall also include—

(1) an assessment of the effects of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide appropriate and adequate health care to the dependents of members and former members of the Armed Forces and retired members and their dependents who currently obtain care at the medical center; and

(2) a description of the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such persons, as called for in the recommendations of the Secretary of Defense for the closure of Fitzsimons Army Medical Center.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process will soon close.

(2) Additional military installations have been selected for closure in the 1995 round of the base closure process.

(3) Some of the military installations selected for closure include military medical treatment facilities.

(4) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of such installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military installations.

SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE MEDICAL DIRECTIVES.

(a) REQUIREMENT FOR RECOGNITION BY STATES.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

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§ 1044c. Advance medical directives of members and dependents: requirement for recognition by States

(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—An advance medical directive executed by a person eligible for legal assistance—
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“(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

“(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

“(b) ADVANCE MEDICAL DIRECTIVES.—For purposes of this section, an advance medical directive is any written declaration that—

“(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

“(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

“(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, an advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).

“(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

“(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

“(2) The term ‘person eligible for legal assistance’ means a person who is eligible for legal assistance under section 1044 of this title.

“(3) The term ‘legal assistance’ means legal services authorized under section 1044 of this title.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following:

“1044c. Advance medical directives of members and dependents: requirement for recognition by States.”.

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDITURE OF APPROPRIATIONS TO CONTRACTS AT OR BELOW SIMPLIFIED ACQUISITION THRESHOLD.

Section 2207 of title 10, United States Code, is amended—

(1) by inserting “(a)” before “Money appropriated”; and

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

“(b) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as
SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) REPEAL OF DUPLICATIVE AUTHORITY AND RESTRICTION.—Section 2356 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking out the item relating to section 2356.

SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 804. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting "and indirect" after "recoup the direct" in the second sentence.

SEC. 805. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone O, milestone I, and milestone II" and inserting in lieu thereof "acquisition program"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

``(2) The term acquisition program decision has the meaning prescribed by the Secretary of Defense in regulations."."

SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—(1) Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

``(3) COMPONENTS FOR NAVAL VESSELS.—(A) The following components:

``(i) Air circuit breakers.
``(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.
``(iii) Vessel propellers with a diameter of six feet or more.

``(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats.".

(2) Subsection (b) of section 2534 of such title is amended by adding at the end the following:

``(3) MANUFACTURER OF VESSEL PROPELLERS.—In the case of a procurement of vessel propellers referred to in subsection (a)(3)(A)(ii), the manufacturer of the propellers meets the requirements of this subsection only if—

``(A) the manufacturer meets the requirements set forth in paragraph (1); and
``(B) all castings incorporated into such propellers are poured and finished in the United States.".

(3) Paragraph (1) of section 2534(c) of such title is amended to read as follows:

``(1) COMPONENTS FOR NAVAL VESSELS.—Subsection (a) does not apply to a procurement of spare or repair parts needed to support components for naval vessels produced or manufactured outside the United States.".
(4) Section 2534 of such title is amended by adding at the end the following new subsection:

“(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

“(1) may not use contract clauses or certifications; and

“(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.”

(5) Subsection (a)(3)(B) of section 2534 of title 10, United States Code, as amended by paragraph (1), shall apply only to contracts entered into after March 31, 1996.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out “October 1, 1995” and inserting in lieu thereof “October 1, 2000”.

(c) TERMINATION OF VESSEL PROPELLER LIMITATION.—Section 2534(c) of such title is amended by adding at the end the following new paragraph:

“(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.”.

(d) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “This section”; and

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

“(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings), notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429).”.

SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Section 2401a of title 10, United States Code, is amended—

(A) by inserting before “The Secretary of Defense” the following subsection heading: “(b) LIMITATION ON CONTRACTS WITH TERMS OF 18 MONTHS OR MORE.—”; and

(B) by inserting after the section heading the following:

“(a) LEASING OF COMMERCIAL VEHICLES AND EQUIPMENT.—The Secretary of Defense may use leasing in the acquisition of commercial vehicles and equipment whenever the Secretary determines that leasing of such vehicles is practicable and efficient.”; and

(C) by amending the section heading to read as follows:

“§ 2401a. Lease of vehicles, equipment, vessels, and aircraft”.

(2) The item relating to section 2401a in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

“2401a. Lease of vehicles, equipment, vessels, and aircraft.”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth changes in legislation that would be required to facilitate the use of leasing in the acquisition of equipment by the Department of Defense.

(c) PILOT PROGRAM.—(1) The Secretary of the Army may conduct a pilot program for leasing commercial utility cargo vehicles in accordance with this subsection.

(2) Under the pilot program—
(A) the Secretary may trade existing commercial utility cargo vehicles of the Army for credit against the costs of leasing new replacement commercial utility cargo vehicles for the Army;

(B) the quantities and trade-in value of commercial utility cargo vehicles to be traded in shall be subject to negotiation between the Secretary and the lessors of the new replacement commercial utility cargo vehicles;

(C) the lease agreement for a new commercial utility cargo vehicle may be executed with or without an option to purchase at the end of the lease period;

(D) the lease period for a new commercial utility cargo vehicle may not exceed the warranty period for the vehicle; and

(E) up to 40 percent of the validated requirement for commercial utility cargo vehicles may be satisfied by leasing such vehicles, except that one or more options for satisfying the remainder of the validated requirement may be provided for and exercised (subject to the requirements of paragraph (6)).

(3) In awarding contracts under the pilot program, the Secretary shall comply with section 2304 of title 10, United States Code.

(4) The pilot program may not be commenced until—

(A) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that contains the plans of the Secretary for implementing the program and that sets forth in detail the savings in operating and support costs expected to be derived from retiring older commercial utility cargo vehicles, as compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(B) a period of 30 calendar days has elapsed after submission of such report.

(5) Not later than one year after the date on which the first lease under the pilot program is entered into, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the pilot program. Such report shall be based on at least six months of experience in operating the pilot program.

(6) The Secretary may exercise an option provided for under paragraph (2) only after a period of 60 days has elapsed after the submission of the report.

(7) No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a “defense capability preservation agreement”, with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contrac-
(A) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the sum of—

(i) the incremental indirect costs attributable to such work; and

(ii) the amount by which the revenue attributable to such private sector work exceeds the sum of—

(I) the direct costs attributable to such private sector work; and

(II) the incremental indirect costs attributable to such private sector work.

(B) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's established accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified by the Secretary of Defense if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of title 10, United States Code.

(c) Implementation.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish application procedures and procedures for expeditious consideration of defense capability preservation agreements as authorized by this section.

(d) Contracts Covered.—An agreement entered into with a contractor under subsection (a) shall apply to each Department of Defense contract with the contractor in effect on the date on which the agreement is entered into and each Department of Defense contract that is awarded to the contractor during the term of the agreement.

(e) Reports.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) the number of applications received and the number of applications approved for defense capability preservation agreements; and

(2) any changes to the authority in this section that the Secretary recommends to further facilitate the policy set forth in section 2501(b) of title 10, United States Code.

SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included before May 1, 1996, on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Section 6009 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3367) is amended to read as follows:

"SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

"(a) Management Decisions.—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an
audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

(b) COMPLETION OF FINAL ACTION.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general’s report under subsection (a)(1) within 12 months after the date of the inspector general’s report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general’s semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed.”.

SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 of National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments and the Defense Agencies are authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.”.

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

“(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.”.

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting “only” after “applies” in the second sentence.

SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

“(3) Design and process data, technical data, and computer software.”.

SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

“(A) be prepared—
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“(i) by an office or other entity that is not under
the supervision, direction, or control of the military
department, Defense Agency, or other component of
the Department of Defense that is directly responsible
for carrying out the development or acquisition of the
program; or
“(ii) if the decision authority for the program has
been delegated to an official of a military department,
Defense Agency, or other component of the Department
of Defense, by an office or other entity that is not
directly responsible for carrying out the development
or acquisition of the program; and”.

SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND
EQUIPPING OF NAVAL VESSELS.

(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of title 10,
United States Code, is amended by inserting after section 7297
the following:

§ 7299. Contracts: applicability of Walsh-Healey Act

“Each contract for the construction, alteration, furnishing, or
equipping of a naval vessel is subject to the Walsh-Healey Act
(41 U.S.C. 35 et seq.) unless the President determines that this
requirement is not in the interest of national defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the begin-
ing of such chapter is amended by inserting after the item relating
to section 7297 the following:

“7299. Contracts: applicability of Walsh-Healey Act.”.

Subtitle B—Other Matters

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated
under section 301(5), $12,000,000 shall be available for carrying
out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant
to subsection (a), $600,000 shall be available for fiscal year
1996 for the purpose of carrying out programs sponsored by eligible
entities referred to in subparagraph (D) of section 2411(1) of title
10, United States Code, that provide procurement technical assist-
ance in distressed areas referred to in subparagraph (B) of section
2411(2) of such title. If there is an insufficient number of satisfac-
tory proposals for cooperative agreements in such distressed areas
to allow effective use of the funds made available in accordance
with this subsection in such areas, the funds shall be allocated
among the Defense Contract Administration Services regions in
accordance with section 2415 of such title.

SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.

(a) AUTHORITY TO CONDUCT DEFENSE FACILITY-WIDE PILOT
PROGRAM.—The Secretary of Defense may conduct a pilot program,
to be known as the “defense facility-wide pilot program”, for the
purpose of determining the potential for increasing the efficiency
and effectiveness of the acquisition process in facilities by using
commercial practices on a facility-wide basis.

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) Subject to
paragraph (2), the Secretary may designate up to two facilities
as participants in the defense facility-wide pilot program.

(2) The Secretary may designate for participation in the pilot
program only those facilities that are authorized to be so designated
in a law authorizing appropriations for national defense programs
that is enacted after the date of the enactment of this Act.
(c) Scope of Program.—At a facility designated as a participant in the pilot program, the pilot program shall consist of the following:

1. All contracts and subcontracts for defense supplies and services that are performed at the facility.

2. All Department of Defense contracts and all subcontracts under Department of Defense contracts performed elsewhere that the Secretary determines are directly and substantially related to the production of defense supplies and services at the facility and are necessary for the pilot program.

(d) Criteria for Designation of Participating Facilities.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

1. The number of existing and anticipated contracts and subcontracts performed at the facility—
   (A) for which contractors are required to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and
   (B) which are administered with the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

2. The relationship of the facility to other organizations and facilities performing under contracts with the Department of Defense and subcontracts under such contracts.

3. The impact that the participation of the facility under the pilot program would have on competing domestic manufacturers.

4. Such other factors as the Secretary considers appropriate.

(e) Notification.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

2. The Secretary shall include in the notification regarding a facility designated for participation in the program a management plan addressing the following:

1. The proposed treatment of research and development contracts or subcontracts to be performed at the facility during the pilot program.

2. The proposed treatment of the cost impact of the use of commercial practices on the award and administration of contracts and subcontracts performed at the facility.

3. The proposed method for reimbursing the contractor for existing and new contracts.

4. The proposed method for measuring the performance of the facility for meeting the management goals of the Secretary.

5. Estimates of the annual amount and the total amount of the contracts and subcontracts covered under the pilot program.

3. (A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

   1. A significant reduction of the cost to the Government for programs carried out at the facility.

   2. A reduction of the schedule associated with programs carried out at the facility.

   3. An increased use of commercial practices and procedures for programs carried out at the facility.

   4. Protection of a domestic manufacturer competing for contracts at such facility from being placed at a significant competitive disadvantage by the participation of the facility in the pilot program.
(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

(i) for the production of supplies or services on a firm-fixed price basis;

(ii) awarded without requiring the contractors or subcontractors to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(iii) awarded and administered without the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under such section 26(f) if the Secretary determines that the contract or subcontract—

(1) is within the scope of the pilot program (as described in subsection (c)); and

(2) is fairly and reasonably priced based on information other than certified cost and pricing data.

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act or the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) (or an amendment made by a provision of either Act) in the case of commercial items, before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(h) APPLICABILITY.—(1) Subsections (f) and (g) apply to the following contracts, if such contracts are within the scope of the pilot program at a facility designated for the pilot program under subsection (b):

(A) A contract that is awarded or modified during the period described in paragraph (2).

(B) A contract that is awarded before the beginning of such period, that is to be performed (or may be performed), in whole or in part, during such period, and that may be modified as appropriate at no cost to the Government.

(2) The period referred to in paragraph (1), with respect to a facility designated under subsection (b), is the period that—

(A) begins 45 days after the date of the enactment of the Act authorizing the designation of that facility in accordance with paragraph (2) of such subsection; and

(B) ends on September 30, 2000.

(i) COMMERCIAL PRACTICES ENCOURAGED.—With respect to contracts and subcontracts within the scope of the defense facility-wide pilot program, the Secretary of Defense may, to the extent
the Secretary determines appropriate and in accordance with applicable law, adopt commercial practices in the administration of contracts and subcontracts. Such commercial practices may include the following:

1. Substitution of commercial oversight and inspection procedures for Government audit and access to records.
2. Incorporation of commercial oversight, inspection, and acceptance procedures.
3. Use of alternative dispute resolution techniques (including arbitration).
4. Elimination of contract provisions authorizing the Government to make unilateral changes to contracts.

SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

Not later than 180 days after the date of the enactment of this Act, the chief judge of the United States Court of Federal Claims shall transmit to Congress a report containing an advisory opinion on the following two questions:

1. Is it within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)?
2. If the answer to the question in paragraph (1) is in the affirmative, is the executive branch required by law to so treat such franchise agreements?

SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.


TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

1. The statutory provisions that as of the date of the enactment of this Act govern the organization of the Office of the Secretary of Defense have evolved from enactment of a number of executive branch legislative proposals and congressional initiatives over a period of years.
2. The May 1995 report of the congressionally mandated Commission on Roles and Missions of the Armed Forces included a number of recommendations relating to the Office of the Secretary of Defense.
3. The Secretary of Defense has decided to create a special Department task force and to conduct other reviews to review many of the Commission’s recommendations.
4. The Secretary of Defense has decided to institute a 5 percent per year reduction of civilian personnel assigned to the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, for the period from fiscal year 1996 through fiscal year 2001. Over the ten-year period from 1986 through 1995, defense spending in real dollars has been reduced by 34 percent and military end-strengths have been reduced by 28 percent.
During the same period, the number of civilian employees of the Office of the Secretary of Defense has increased by 22 percent.

(6) To achieve greater efficiency and to revalidate the role and mission of the Office of the Secretary of Defense, a comprehensive review of the organizations and functions of that Office and of the personnel needed to carry out those functions is required.

(b) Review.—The Secretary of Defense shall conduct a further review of the organizations and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, and the personnel needed to carry out those functions. The review shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out his responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the advantages and disadvantages of the use of political appointees to fill the positions of the various Under Secretaries of Defense, Assistant Secretaries of Defense, and Deputy Under Secretaries of Defense.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(5) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(6) An assessment of the appropriate number of positions referred to in paragraph (3) and of Deputy Assistant Secretaries of Defense.

(7) An assessment of whether some or any of the functions currently performed by the Office of Humanitarian and Refugee Affairs are more properly or effectively performed by another agency of Government or elsewhere within the Department of Defense.

(8) An assessment of the efficacy of the Joint Requirements Oversight Council and whether it is advisable or necessary to establish a statutory charter for this organization.

(9) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(10) An assessment of the appropriate size, number, and functional responsibilities of the Defense Agencies and other Department of Defense support organizations.

(c) Report.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) his findings and conclusions resulting from the review under subsection (b); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

(d) Personnel Reduction.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

(2) For purposes of this subsection, the term “OSD personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).
(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting “80 percent” for “75 percent”.

SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) Reduction.—Section 138(a) of title 10, United States Code, is amended by striking out “eleven” and inserting in lieu thereof “ten”.

(b) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by striking out “(11)” after “Assistant Secretaries of Defense” and inserting in lieu thereof “(10)”.  

SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

(a) Effective Date.—The amendments made by this section shall take effect on January 31, 1997.

(b) Termination of Specification by Law of ASD Positions.—Subsection (b) of section 138 of title 10, United States Code, is amended to read as follows:

“(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.”.

(c) Repeal of Certain OSD Presidential Appointment Positions.—The following sections of chapter 4 of such title are repealed:

(1) Section 133a, relating to the Deputy Under Secretary of Defense for Acquisition and Technology.

(2) Section 134a, relating to the Deputy Under Secretary of Defense for Policy.

(3) Section 137, relating to the Director of Defense Research and Engineering.

(4) Section 142, relating to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(d) Director of Military Relocation Assistance Programs.—Section 1056 of such title is amended by striking out subsection (d).

(e) Conforming Amendments Relating to Repeal of Various OSD Positions.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively;

(2) in section 138(d), by striking out “the Under Secretaries of Defense, and the Director of Defense Research and Engineering” and inserting in lieu thereof “and the Under Secretaries of Defense”;

(3) in the table of sections at the beginning of the chapter, by striking out the items relating to sections 133a, 134a, 137, and 142.

(f) Conforming Amendments Relating to Repeal of Specification of ASD Positions.—

(1) Section 176(a)(3) of title 10, United States Code, is amended—

(A) by striking out “Assistant Secretary of Defense for Health Affairs” and inserting in lieu thereof “official in the Department of Defense with principal responsibility for health affairs”; and
(B) by striking out “Chief Medical Director of the Department of Veterans Affairs” and inserting in lieu thereof “Under Secretary for Health of the Department of Veterans Affairs”.

(2) Section 1216(d) of such title is amended by striking out “Assistant Secretary of Defense for Health Affairs” and inserting in lieu thereof “official in the Department of Defense with principal responsibility for health affairs”.

(3) Section 1587(d) of such title is amended by striking out “Assistant Secretary of Defense for Manpower and Logistics” and inserting in lieu thereof “official in the Department of Defense with principal responsibility for personnel and readiness”.

(4) The text of section 10201 of such title is amended to read as follows:

“The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.”.

(5) Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out “the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict” and inserting in lieu thereof “the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict”.

(g) REPEAL OF MINIMUM NUMBER OF SENIOR STAFF FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

SEC. 904. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) In general.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

“§ 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs”;

(B) in subsection (a), by striking out “Assistant to the Secretary of Defense for Atomic Energy” and inserting in lieu thereof “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs”; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

“(b) The Assistant to the Secretary shall—

“(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

“(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

“(3) perform such additional duties as the Secretary may prescribe.”.

(2) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

“142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.”.

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out “The Assistant to the Secretary of Defense for Atomic Energy” and inserting in lieu thereof “The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs”.
(2) Section 5316 of title 5, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense." and inserting in lieu thereof the following: "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense."

SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 181. Joint Requirements Oversight Council

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.

"(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet the national military strategy;

"(2) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, and performance criteria of the program and of the identified alternatives; and

"(3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meeting valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by the Secretary of Defense through defense planning guidance.

"(c) COMPOSITION.—(1) The Joint Requirements Oversight Council is composed of—

"(A) the Chairman of the Joint Chiefs of Staff, who is the chairman of the Council;

"(B) an Army officer in the grade of general;

"(C) a Navy officer in the grade of admiral;

"(D) an Air Force officer in the grade of general; and

"(E) a Marine Corps officer in the grade of general.

"(2) Members of the Council, other than the Chairman of the Joint Chiefs of Staff, shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for such selection by the Secretary of the military department concerned.

"(3) The functions of the Chairman of the Joint Chiefs of Staff as chairman of the Council may only be delegated to the Vice Chairman of the Joint Chiefs of Staff."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"181. Joint Requirements Oversight Council."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).
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(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:
   (A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as defined by the Secretary) by 25 percent over a period of five years, beginning on October 1, 1995.
   (B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.
   (C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1995 (division D of this Act), and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:
   (2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.
   (3) Consolidation or selected elimination of Department of Defense acquisition organizations.
   (4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.

(2) For purposes of this subsection, the term “defense acquisition personnel” means military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992) with the exception of personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions.

SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON PLANS FOR NUCLEAR WEAPONS MANAGEMENT IN EVENT OF ABOLITION OF DEPARTMENT OF ENERGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report concerning the nuclear weapons complex. The report shall set forth—
   (1) the Secretary’s views on the effectiveness of the Department of Energy in managing the nuclear weapons complex, including the fulfillment of the requirements for nuclear weap-
ons established for the Department of Energy in the Nuclear Posture Review; and

(2) the Secretary's recommended plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy if the Department of Energy should be abolished and those programs be transferred to the Department of Defense.

(b) Definition.—For purposes of this section, the term ‘Nuclear Posture Review’ means the Department of Defense Nuclear Posture Review as contained in the report entitled ‘Report of the Secretary of Defense to the President and the Congress’, dated February 19, 1995, or in subsequent such reports.

(c) Submission of Report.—The report under subsection (a) shall be submitted not later than March 15, 1996.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) Redesignation.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) References.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

Subtitle B—Financial Management

SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) Transfers to Military Personnel Accounts Authorized.—Section 2779 of title 10, United States Code, is amended by adding at the end the following:

(c) Transfers to Military Personnel Accounts.—The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation ‘Foreign Currency Fluctuations, Defense’.

(b) Revision and Codification of Authority for Transfers to Foreign Currency Fluctuations Account.—Section 2779 of such title, as amended by subsection (a), is further amended by adding at the end the following:

(d) Transfers to Foreign Currency Fluctuations Account.—(1) The Secretary of Defense may transfer to the appropriation ‘Foreign Currency Fluctuations, Defense’ unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation ‘Foreign Currency Fluctuations, Defense’ does not exceed $970,000,000 at the time the transfer is made.

(c) Conditions of Availability for Transferred Funds.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

(e) Conditions of Availability for Transferred Funds.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.

(d) Repeal of Superseded Provisions.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.
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DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

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§ 2216. Defense Modernization Account

(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Defense Modernization Account.'

(b) TRANSFERS TO ACCOUNT.—(1)(A) Upon a determination by the Secretary of a military department or the Secretary of Defense with respect to Defense-wide appropriations accounts of the availability and source of funds described in subparagraph (B), that Secretary may transfer to the Defense Modernization Account during any fiscal year any amount of funds available to the Secretary described in that subparagraph. Such funds may be transferred to that account only after the Secretary concerned notifies the congressional defense committees in writing of the amount and source of the proposed transfer.

(B) This subsection applies to the following funds available to the Secretary concerned:

(i) Unexpired funds in appropriations accounts that are available for procurement and that, as a result of economies, efficiencies, and other savings achieved in carrying out a particular procurement, are excess to the requirements of that procurement.

(ii) Unexpired funds that are available during the final 30 days of a fiscal year for support of installations and facilities and that, as a result of economies, efficiencies, and other savings, are excess to the requirements for support of installations and facilities.

(C) Any transfer under subparagraph (A) shall be made under regulations prescribed by the Secretary of Defense.

(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account if—

(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

(B) the balance of funds in the account, after transfer of funds to the account, would exceed $1,000,000,000.

(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.
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(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 may not be extended by transfer into the Defense Modernization Account.

(c) Scope of Use of Funds.—Funds transferred to the Defense Modernization Account from funds appropriated for a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for transfer to funds available for that military department, Defense Agency, or other element.

(d) Authorized Use of Funds.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used for the following purposes:

(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

(2) For research, development, test, and evaluation and for procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

(e) Limitations.—(1) Funds in the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

(A) result in procurement of a total quantity of items or services in excess of—

(i) a specific limitation provided by law on the quantity of the items or services that may be procured; or

(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

(B) result in an obligation or expenditure of funds in excess of a specific limitation provided by law on the amount that may be obligated or expended, respectively, for that procurement program.

(2) Funds in the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

(A) making an expenditure for which there is no corresponding obligation; or

(B) making an expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

(f) Transfer of Funds.—(1) The Secretary of Defense may transfer funds in the Defense Modernization Account to appropriations available for purposes set forth in subsection (d).

(2) Funds in the Defense Modernization Account may not be transferred under paragraph (1) until 30 days after the date on which the Secretary concerned notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(3) The total amount of transfers from the Defense Modernization Account during any fiscal year under this subsection may not exceed $500,000,000.

(g) Availability of Funds by Appropriation.—In addition to transfers under subsection (f), funds in the Defense Modernization Account may be made available for purposes set forth in subsection (d) in accordance with the provisions of appropriations Acts, but only to the extent authorized in an Act other than an appropriations Act.

(h) Secretary to Act Through Comptroller.—The Secretary of Defense shall carry out this section through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regul-
lations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on the Defense Modernization Account. Each such report shall set forth the following:

(A) The amount and source of each credit to the account during that quarter.

(B) The amount and purpose of each transfer from the account during that quarter.

(C) The balance in the account at the end of the quarter and, of such balance, the amount attributable to transfers to the account from each Secretary concerned.

(2) The committees referred to in paragraph (1) are the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(j) DEFINITIONS.—In this section:

(1) The term 'Secretary concerned' includes the Secretary of Defense with respect to Defense-wide appropriations accounts.

(2) The term 'unexpended funds' means funds appropriated for a definite period that remain available for obligation.

(3) The term 'congressional defense committees' means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''

(b) EFFECTIVE DATE.—Section 2216 of title 10, United States Code (as added by subsection (a)), shall apply only to funds appropriated for fiscal years after fiscal year 1995.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2216(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account terminates at the close of September 30, 2003.

(2) Three years after the termination date specified in paragraph (1), the Defense Modernization Account shall be closed and any remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(d) GAO REVIEWS.—(1) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(2) Not later than March 1, 2000, the Comptroller General shall—

(A) complete the first review; and

(B) submit to the specified committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(3) Not later than March 1, 2003, the Comptroller General shall—

(A) complete the second review; and

(B) submit to the specified committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(4) Each such report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.
SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Department of Defense."

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking out "With the approval of a Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department" and inserting in lieu thereof "Subject to paragraph (3), a disbursing official of the Department of Defense"; and

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

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department."; and

(B) in subsection (b)(1), by striking out "any military department" and inserting in lieu thereof "the Department of Defense".

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended to read as follows:

"(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so.".

(c) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended by striking out "Secretary concerned" both places it appears and inserting in lieu thereof "Secretary of Defense".

(2) Section 1007(a) of title 37, United States Code, is amended by striking out "Secretary concerned" and inserting in lieu thereof "Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31".

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out "disbursements of public moneys or" and "the money was paid or"; and

(ii) in the second sentence, by striking out "disbursement or".

(B)(i) The heading of such section is amended to read as follows:

"§ 7863. Disposal of public stores by order of commanding officer".

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

"7863. Disposal of public stores by order of commanding officer."

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out "a disbursing official of the armed forces" and inserting in lieu thereof "an official of the armed forces referred to in subsection (a)"; and

(B) by striking out "records," and inserting in lieu thereof "records, or a payment described in section 3528(a)(4)(A) of this title,";
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(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;
(D) by inserting before clause (i), as so redesignated, the following:
“(A) in the case of a physical loss or deficiency—”;
(E) in clause (iii), as so redesignated, by striking out the period at the end and inserting in lieu thereof “; or”; and
(F) by adding at the end the following:
“(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the Secretary of the appropriate military department, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.”.
(5) Section 3528 of title 31, United States Code, is amended by striking out subsection (d).

SEC. 914. FISHER HOUSE TRUST FUNDS.

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

§ 2221. Fisher House trust funds

“(a) ESTABLISHMENT.—The following trust funds are established on the books of the Treasury:
“(1) The Fisher House Trust Fund, Department of the Army;
“(2) The Fisher House Trust Fund, Department of the Air Force.
“(b) INVESTMENT.—Funds in the trust funds may be invested in securities of the United States. Earnings and gains realized from the investment of funds in a trust fund shall be credited to the trust fund.
“(c) USE OF FUNDS.—(1) Amounts in the Fisher House Trust Fund, Department of the Army, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Army.
“(2) Amounts in the Fisher House Trust Fund, Department of the Air Force, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Air Force.
“(3) The use of funds under this section is subject to section 1321(b)(2) of title 31.
“(d) FISHER HOUSE DEFINED.—In this section, the term ‘Fisher house’ means a housing facility that—
“(1) is located in proximity to a medical treatment facility of the Army or the Air Force; and
“(2) is available for residential use on a temporary basis by patients at such facilities, members of the family of such patients, and others providing the equivalent of familial support for such patients.”.
(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
2221. Fisher House trust funds.”.

10 USC 2221 note.
(2) The Secretary of the Air Force shall transfer to the Fisher House Trust Fund, Department of the Air Force, established by subsection (a)(2) of section 2221 of title 10, United States Code (as added by section (a)), all amounts in the accounts for Air Force installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses (as defined in subsection (d) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—
(1) by adding at the end of subsection (a) the following:
"(92) Fisher House Trust Fund, Department of the Army.
"(93) Fisher House Trust Fund, Department of the Air Force."

(2) in subsection (b)—
(A) by inserting ``(1)'' after ``(b)'';
(B) in the second sentence, by striking out "Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')" and inserting in lieu thereof "Except as provided in paragraph (2), amounts accruing to these funds":
(C) by striking out the third sentence; and
(D) by adding at the end the following:
"(2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:
"(A) Armed Forces Retirement Home Trust Fund.
"(B) Fisher House Trust Fund, Department of the Army.
"(C) Fisher House Trust Fund, Department of the Air Force."

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provisions of law are repealed:
(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).
(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).
(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection (c):
"(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—
"(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or
"(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an obligation or expenditure under the preceding sentence, the Secretary shall immediately notify the committees referred to in paragraph (1) that such obligation or expenditure is necessary notification.
and provide any relevant information (in classified form, if necessary) jointly to the chairman and ranking minority member (or their designees) of such committees.

“(3) A notification under paragraph (1) and information referred to in paragraph (2) shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.”.

**TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

**SEC. 1001. TRANSFER AUTHORITY.**

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

(a) Status of Classified Annex.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 1530 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) Construction With Other Provisions of Act.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

**SEC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.**

(a) Revision of Funding Mechanism.—(1) Section 127a of title 10, United States Code, is amended to read as follows:
§ 127a. Operations for which funds are not provided in advance: funding mechanisms

(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation specified in paragraph (2) that involves—

(A) the deployment (other than for a training exercise) of elements of the Armed Forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

(B) the provision of humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

(2) This section applies to—

(A) any operation the incremental cost of which is expected to exceed $50,000,000; and

(B) any other operation the expected incremental cost of which, when added to the expected incremental costs of other operations that are currently ongoing, is expected to result in a cumulative incremental cost of ongoing operations of the Department of Defense in excess of $100,000,000.

Any operation the incremental cost of which is expected not to exceed $10,000,000 shall be disregarded for the purposes of subparagraph (B).

(3) Whenever an operation to which this section applies is commenced or subsequently becomes covered by this section, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

(4) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the Armed Forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund (or a successor fund), such unit of the Armed Forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation, other than amounts within each operation and maintenance appropriation that are available for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known
as a budget activity 2 account) that is specified as being for mobilization.

“(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

“(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

“(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

“(d) Report upon Designation of an Operation.—Within 45 days after the Secretary of Defense identifies an operation pursuant to subsection (a)(2), the Secretary of Defense shall submit to Congress a report that sets forth the following:

“(1) The manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation, including a specific discussion of how the Secretary proposes to restore balances in—

“(A) the Defense Business Operations Fund (or a successor fund), or

“(B) the accounts from which the Secretary transfers funds under the authority of subsection (c), to the levels that would have been anticipated but for the provisions of subsection (c).

“(2) If the operation is described in subsection (a)(1)(B), a justification why the budgetary resources of another department or agency of the Federal Government, instead of resources of the Department of Defense, are not being used for carrying out the operation.

“(3) The objectives of the operation.

“(4) The estimated duration of the operation and of any deployment of armed forces personnel in such operation.

“(5) The estimated incremental cost of the operation to the United States.

“(6) The exit criteria for the operation and for the withdrawal of the elements of the armed forces involved in the operation.

“(e) Limitations.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

“(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

“(f) Submission of Requests for Supplemental Appropriations.—It is the sense of Congress that whenever there is an operation described in subsection (a), the President should, not later than 90 days after the date on which notification is provided pursuant to subsection (a)(3), submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section and should, as necessary, submit subsequent requests for the enactment of such appropriations.
“(g) Incremental Costs.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

“(h) Relationship to War Powers Resolution.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

“(i) GAO Compliance Reviews.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.”.

(2) The item relating to section 127a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“127a. Operations for which funds are not provided in advance: funding mechanisms.”

(b) Effective Date.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. OPERATION PROVIDE COMFORT.

(a) Authorization of Amounts Available.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Provide Comfort—

(1) $136,300,000 for operation and maintenance costs; and

(2) $7,000,000 for incremental military personnel costs.

(b) Report.—Not more than $70,000,000 of the amount appropriated under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees a report on Operation Provide Comfort which includes the following:

(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for Operation Provide Comfort during fiscal year 1996, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during that fiscal year.

(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to Operation Provide Comfort during fiscal year 1996.

(3) A discussion of available options to reduce the involvement of the Department of Defense in those aspects of Operation Provide Comfort that are not directly related to the military mission of the Department of Defense.

(4) A plan establishing an exit strategy for United States involvement in, and support for, Operation Provide Comfort.

(c) Operation Provide Comfort.—For purposes of this section, the term “Operation Provide Comfort” means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort.
SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.

(a) Authorization of Amounts Available.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Enhanced Southern Watch—

(1) $433,400,000 for operation and maintenance costs; and
(2) $70,400,000 for incremental military personnel costs.

(b) Report.—(1) Of the amounts specified in subsection (a), not more than $250,000,000 may be obligated until the Secretary of Defense submits to the congressional defense committees a report designating Operation Enhanced Southern Watch, or significant elements thereof, as a forward presence operation for which funding should be budgeted as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(2) The report shall set forth the following:

(A) The expected duration and annual costs of the various elements of Operation Enhanced Southern Watch.
(B) Those elements of Operation Enhanced Southern Watch that are semi-permanent in nature and should be budgeted in the future as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.
(C) The political and military objectives associated with Operation Enhanced Southern Watch.
(D) The contributions (both in-kind and actual) by other nations to the costs of conducting Operation Enhanced Southern Watch.

(c) Operation Enhanced Southern Watch.—For purposes of this section, the term “Operation Enhanced Southern Watch” means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) Authority.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1995 defense appropriations.

(b) Covered Amounts.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 defense authorizations.

(c) Definitions.—For the purposes of this section:


SEC. 1007. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) Adjustment to Previous Authorizations.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act (109 Stat. 79) is hereby authorized.  

SEC. 1008. AUTHORIZATION REDUCTIONS TO REFLECT SAVINGS FROM REVISED ECONOMIC ASSUMPTIONS.  

(a) REDUCTION.—The total amount authorized to be appropriated in titles I, II, and III of this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions. Such reduction shall be made from accounts in those titles as follows:  

Operation and Maintenance, Army, $54,000,000.  
Operation and Maintenance, Navy, $80,000,000.  
Operation and Maintenance, Marine Corps, $9,000,000.  
Operation and Maintenance, Air Force, $51,000,000.  
Operation and Maintenance, Defense-Wide, $36,000,000.  
Operation and Maintenance, Army Reserve, $4,000,000.  
Operation and Maintenance, Navy Reserve, $4,000,000.  
Operation and Maintenance, Marine Corps Reserve, $1,000,000.  
Operation and Maintenance, Air Force Reserve, $3,000,000.  
Operation and Maintenance, Army National Guard, $7,000,000.  
Operation and Maintenance, Air National Guard, $7,000,000.  
Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000.  
Environmental Restoration, Defense, $11,000,000.  
Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000.  
Former Soviet Union Threat Reduction, $2,000,000.  
Defense Health Program, $51,000,000.  
Aircraft Procurement, Army, $9,000,000.  
Missile Procurement, Army, $5,000,000.  
Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000.  
Procurement of Ammunition, Army, $6,000,000.  
Other Procurement, Army, $17,000,000.  
Aircraft Procurement, Navy, $29,000,000.  
Weapons Procurement, Navy, $13,000,000.  
Shipbuilding and Conversion, Navy, $42,000,000.  
Other Procurement, Navy, $18,000,000.  
Procurement, Marine Corps, $4,000,000.  
Aircraft Procurement, Air Force, $50,000,000.  
Missile Procurement, Air Force, $29,000,000.  
Other Procurement, Air Force, $45,000,000.  
Procurement, Defense-Wide, $16,000,000.  
Chemical Agents and Munitions Destruction, Defense, $5,000,000.  
Research, Development, Test and Evaluation, Army, $20,000,000.  
Research, Development, Test and Evaluation, Navy, $50,000,000.  
Research, Development, Test and Evaluation, Air Force, $79,000,000.  
Research, Development, Test and Evaluation, Defense-Wide, $57,000,000.  
Research, Development, Test and Evaluation, Defense, $2,000,000.  

(b) REDUCTIONS TO BE APPLIED PROPORTIONALLY.—Reductions under this section shall be applied proportionally to each budget...
activity, activity group, and subactivity group and to each program, project, and activity within each account.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. IOWA CLASS BATTLESHIPS.

(a) RETURN TO NAVAL VESSEL REGISTER.—The Secretary of the Navy shall list on the Naval Vessel Register, and maintain on such register, at least two of the Iowa-class battleships that were stricken from the register in February 1995.

(b) SUPPORT.—The Secretary shall retain the existing logistical support necessary for support of at least two operational Iowa class battleships in active service, including technical manuals, repair and replacement parts, and ordnance.

(c) SELECTION OF SHIPS.—The Secretary shall select for listing on the Naval Vessel Register under subsection (a) Iowa class battleships that are in good material condition and can provide adequate fire support for an amphibious assault.

(d) REPLACEMENT FIRE-SUPPORT CAPABILITY.—(1) If the Secretary of the Navy makes a certification described in paragraph (2), the requirements of subsections (a) and (b) shall terminate, effective 60 days after the date of the submission of such certification.

(2) A certification referred to in paragraph (1) is a certification submitted by the Secretary of the Navy in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Navy has within the fleet an operational surface fire-support capability that equals or exceeds the fire-support capability that the Iowa class battleships listed on the Naval Vessel Register pursuant to subsection (a) would, if in active service, be able to provide for Marine Corps amphibious assaults and operations ashore.

SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The Secretary of the Navy is authorized to transfer on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Bahrain, the guided missile frigate Jack Williams (FFG 24).
(2) To the Government of Egypt, the frigate Copeland (FFG 25).
(3) To the Government of Turkey, the frigates Clifton Sprague (FFG 16) and Antrim (FFG 20).

(b) TRANSFERS BY LEASE OR SALE.—The Secretary of the Navy is authorized to transfer on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Egypt, the frigate Duncan (FFG 10).
(2) To the Government of Oman, the guided missile frigate Mahlon S. Tisdale (FFG 27).
(3) To the Government of Turkey, the frigate Flatley (FFG 21).
(4) To the Government of the United Arab Emirates, the guided missile frigate Gallery (FFG 26).

(c) FINANCING FOR TRANSFERS BY LEASE.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing for any transfer by lease under subsection (b) in the same manner as if such transfer were a procurement by the recipient nation of a defense article.
(d) Costs of Transfers.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) or (b) shall be charged to the recipient.

(e) Expiration of Authority.—The authority to transfer a vessel under subsection (a) and under subsection (b) shall expire at the end of the two-year period beginning on the date of the enactment of this Act, except that a lease entered into during that period under any provision of subsection (b) may be renewed.

(f) Repair and Refurbishment in United States Shipyards.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) Prohibition on Certain Transfers of Vessels on Grant Basis.—(1) Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended by adding at the end the following new subsection:

``(g) Prohibition on Certain Transfers of Vessels on Grant Basis.—(1) The President may not transfer on a grant basis under this section a vessel that is in excess of 3,000 tons or that is less than 20 years of age.

(2) If the President determines that it is in the national security interests of the United States to transfer a particular vessel on a grant basis under this section, the President may request that Congress enact legislation exempting the transfer from the prohibition in paragraph (1).''.

(2) The amendment made by paragraph (1) shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act (other than a vessel the transfer of which is authorized by subsection (a) or by law before the date of the enactment of this Act).

SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) Findings.—Congress makes the following findings:

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled “Mobility Requirements Study Bottom-Up Review Update”, submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.
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(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024-93-C-2203 and N00024-93-C-2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997, subject to the availability of funds authorized and appropriated for such purpose. Nothing in this subsection shall be construed to preclude the Secretary of the Navy from competing the award of the two options between the two shipyards holding new construction contracts referred to in subsection (a)(3).

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1014. NATIONAL DEFENSE RESERVE FLEET.

(a) AVAILABILITY OF NATIONAL DEFENSE SEALIFT FUND.—Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) by striking out “only for—” in the matter preceding subparagraph (A) and inserting in lieu thereof “only for the following purposes:”;

(B) by capitalizing the first letter of the first word of subparagraphs (A), (B), (C), and (D);

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period;

(D) by striking out “; and” at the end of subparagraph (C) and inserting in lieu thereof a period; and

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

“(E) Expenses for maintaining the National Defense Reserve Fleet under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards.”; and

(2) in subsection (i), by inserting “(other than subsection (c)(1)(E))” after “Nothing in this section”.

(b) CLARIFICATION OF EXEMPTION OF NDRF VESSELS FROM RETROFIT REQUIREMENT.—Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by adding at the end the following new subsection:

“(e) Vessels in the National Defense Reserve Fleet are exempt from the provisions of section 3703a of title 46, United States Code.”.

(c) AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO CONVERT TWO VESSELS.—Of the amount authorized to be appropriated in section 302 for fiscal year 1996 for the National Defense Sealift Fund under section 2218 of title 10, United States Code, not more than $20,000,000 shall be available for conversion work on the following two roll-on/roll-off vessels, which were acquired by the Maritime Administration during fiscal year 1995:

(1) M/V Cape Knox (ON-1036323).

(2) M/V Cape Kennedy (ON-1036324).
SEC. 1015. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended to read as follows:

"CHAPTER 637—SALVAGE FACILITIES

"Sec.
"7361. Authority to provide for necessary salvage facilities.
"7362. Acquisition and transfer of vessels and equipment.
"7363. Settlement of claims.
"7364. Disposition of receipts.

"§ 7361. Authority to provide for necessary salvage facilities

"(a) Authority.—The Secretary of the Navy may provide, by contract or otherwise, necessary salvage facilities for public and private vessels.

"(b) Coordination With Secretary of Transportation.—The Secretary shall submit to the Secretary of Transportation for comment each proposed contract for salvage facilities that affects the interests of the Department of Transportation.

"(c) Limitation.—The Secretary of the Navy may enter into a term contract under subsection (a) only if the Secretary determines that available commercial salvage facilities are inadequate to meet the requirements of national defense.

"(d) Public Notice.—The Secretary may not enter into a contract under subsection (a) until the Secretary has provided public notice of the intent to enter into such a contract.

"§ 7362. Acquisition and transfer of vessels and equipment

"(a) Authority.—The Secretary of the Navy may acquire or transfer for operation by private salvage companies such vessels and equipment as the Secretary considers necessary.

"(b) Agreement on Use.—Before any salvage vessel or salvage gear is transferred by the Secretary to a private party, the private party must agree in writing with the Secretary that the vessel or gear will be used to support organized offshore salvage facilities for a period of as many years as the Secretary considers appropriate.

"(c) Reference to Authority to Advance Funds for Immediate Salvage Operations.—For authority for the Secretary of the Navy to advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations, see section 2307(g)(2) of this title.

"§ 7363. Settlement of claims

"The Secretary of the Navy may settle any claim by the United States for salvage services rendered by the Department of the Navy and may receive payment of any such claim.

"§ 7364. Disposition of receipts

"Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received under this chapter in any fiscal year in excess of naval salvage costs incurred by the Navy during that fiscal year shall be deposited into the general fund of the Treasury."

SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) In General.—The Secretary of the Navy shall ensure that any vessel that is covered by the contract referred to in subsection (b) remains covered by that contract, regardless of the operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy.

(b) Covered Contract.—The contract referred to in subsection (a) is the contract entered into before the date of the enactment of this Act for the phased maintenance of AE class ships.
SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting "or Guam" after "the United States" the second place it appears.

SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF AMPHIBIOUS SHIPS.

It is the sense of Congress that the Secretary of the Navy—
(1) should name the vessel to be designated LHD-7 as the U.S.S. Iwo Jima; and
(2) should name the vessel to be designated LPD-17, and each subsequent ship of the LPD-17 class, after a Marine Corps battle or a member of the Marine Corps.

SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929-1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15-16, 1951.

SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

Subtitle C—Counter-Drug Activities

SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE AUTHORIZED.—Subsection (a) of section 112 of title 32, United States Code, is amended to read as follows:

"(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for—

"(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities;

"(2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and

"(3) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities."
(b) Reorganization of Section.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by redesignating subsection (d) as subsection (g) and transferring that subsection to appear before subsection (h), as redesignated by paragraph (1); and

(3) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

(c) State Drug Interdiction and Counter-drug Activities Plan.—Subsection (c) of such section, as redesignated by subsection (b)(3), is amended—

(1) in the matter preceding paragraph (1), by striking out “A plan referred to in subsection (a)” and inserting in lieu thereof “A State drug interdiction and counter-drug activities plan”;

(2) by striking out “and” at the end of paragraph (2); and

(3) in paragraph (3)—

(A) by striking out “annual training” and inserting in lieu thereof “training”;

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

“(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

“(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.”.

(d) Examination of State Plan.—Subsection (d) of such section, as redesignated by subsection (b)(3), is amended—

(1) in paragraph (1)—

(A) by striking out “subsection (b)” and inserting in lieu thereof “subsection (c)”;

(B) by inserting after “Before funds are provided to the Governor of a State under this section” the following: “and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)”;

(2) in paragraph (3)—

(A) by striking out “subsection (b)” and inserting in lieu thereof “subsection (c)”;

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

“(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).”.

(e) Use of Personnel Performing Full-Time National Guard Duty.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

“(b) Use of Personnel Performing Full-Time National Guard Duty.—Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.”.
(f) **End Strength Limitation.**—Such section is further amended by inserting after subsection (e) the following new subsection (f):

“(f) **End Strength Limitation.**—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

“(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

“(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

“(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.”.

(g) **Definitions.**—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) The term ‘drug interdiction and counter-drug activities’, with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.”.

(h) **Technical Amendments.**—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking out “sections 517 and 524” and inserting in lieu thereof “sections 12011 and 12012”; and

(2) in paragraph (2), by striking out “the Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

### Subtitle D—Civilian Personnel

**SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.**

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out “man-year constraint or limitation” and inserting in lieu thereof “constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees”; and

(B) by adding at the end the following new sentence:

“The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.”;

(2) in subsection (b)(2), by striking out “any end-strength” and inserting in lieu thereof “any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees”; and

(3) by adding at the end the following new subsection:
“(d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.”

SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

(a) Conversion Requirement.—(1) By September 30, 1997, the Secretary of Defense shall convert at least 10,000 military positions to civilian positions.

(2) At least 3,000 of the military positions converted to satisfy the requirement of paragraph (1) shall be converted to civilian positions not later than September 30, 1996.

(3) In this subsection:

(A) The term “military position” means a position that, as of the date of the enactment of this Act, is authorized to be filled by a member of the Armed Forces on active duty.

(B) The term “civilian position” means a position that is required to be filled by a civilian employee of the Department of Defense.

(b) Implementation Plan.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

(a) Elimination of Limitation.—Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2) The 120-day limitation in paragraph (1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

(A) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

(B) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

(c) For purposes of this section—

“(1) the term ‘base closure law’ means—

“(A) section 2687 of title 10;

“(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

“(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

“(2) the term ‘military installation’—

“(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

“(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

“(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has
the meaning given such term in section 2910(4) of such Act.’’.

(b) **Applicability.**—The amendments made by subsection (a) apply to details made before the date of the enactment of this Act but still in effect on that date and details made on or after that date.

**SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.**

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

“(f)(1) The Secretary of Defense or the Secretary of a military department may—

“(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

“(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

“(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

“(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

“(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

“(5) The authority under paragraph (1) may not be exercised after September 30, 1996.”.

**SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.**

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

“(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

“(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

“(C) Amounts repaid to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.
“(3) If an employee fails to repay to an agency an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.

“(4) This subsection applies with respect to severance pay payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.”.

SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—
(1) in subparagraph (A), by inserting ‘‘, or a voluntary separation from a surplus position,’’ after ‘‘an involuntary separation from a position’’; and
(2) by adding at the end the following new subparagraph:
‘‘(C) For the purpose of this paragraph, ‘surplus position’ means a position which is identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.’’.

SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2415), is amended—
(1) in subsection (b), by striking out ‘‘be offered’’ and inserting in lieu thereof ‘‘be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense’’; and
(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):
‘‘(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—
(A) in either the competitive service or the excepted service;
(B) within the Department of Defense; and
(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a reserve component of the armed forces as a condition of employment.
(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.’’.

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.
(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

‘‘3330. Government-wide list of vacant positions.’’.

SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:
“(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—
(1) be a member of the National Guard;
“(2) hold the military grade specified by the Secretary concerned for that position; and
“(3) wear the uniform appropriate for the member’s grade and component of the armed forces while performing duties as a technician.”.

(b) **Uniform Allowances for Officers.**—Section 417 of title 37, United States Code, is amended by adding at the end the following:

“(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

“(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.”.

(c) **Clothing or Allowances for Enlisted Members.**—Section 418 of title 37, United States Code, is amended—

(1) by inserting “(a)” before “The President”; and

(2) by adding at the end the following:

“(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

“(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.”.

SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) A military reserve technician described in section 8401(30) is entitled at such person’s request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

“(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.”.

SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NON-APPROPRIATED FUND INSTRUMENTALITIES.

(a) **Clarification of Definition of Nonappropriated Fund Instrumentality Employee.**—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following sentence: “Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting...
Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.”

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: “and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense”.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking out “Navy Resale and Services Support Office” and inserting in lieu thereof “Navy Exchange Service Command”.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 1587. Employees of nonappropriated fund instrumentalities: reprisals”.

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

“1587. Employees of nonappropriated fund instrumentalities: reprisals.”.

SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

“(2) ‘employee’ has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;”.

SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1997; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term “nonappropriated fund instrumentality employee” has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 1043. ELECTIONS RELATING TO RETIREMENT COVERAGE.

(a) IN GENERAL.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “of the Department of Defense or the Coast Guard” in the matter before subparagraph (A); and

(ii) by striking “3 days” and inserting “1 year”; and

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(B) in paragraph (2)(C)—
   (i) by striking "3 days" and inserting "1 year";
   and
   (ii) by striking "in the Department of Defense or the Coast Guard, respectively.".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of title 5, United States Code, is amended—
   (A) in paragraph (1)—
      (i) by striking "of the Department of Defense or the Coast Guard" in the matter before subparagraph (A); and
      (ii) by striking "3 days" and inserting "1 year";
   and
   (B) in paragraph (2)(C)—
      (i) by striking "3 days" and inserting "1 year";
      and
      (ii) by striking "in the Department of Defense or the Coast Guard, respectively.".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management (and each of the other administrative authorities, within the meaning of subsection (c)(2)(C)(iii)) shall prescribe any regulations (or make any modifications in existing regulations) necessary to carry out this section and the amendments made by this section, including regulations to provide for the notification of individuals who may be affected by the enactment of this section. All regulations (and modifications to regulations) under the preceding sentence shall take effect on the same date.

(c) APPLICABILITY; RELATED PROVISIONS.—
   (1) PROSPECTIVE RULES.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to moves occurring on or after the effective date of the regulations under subsection (b). Moves occurring on or after the date of the enactment of this Act and before the effective date of such regulations shall be subject to applicable provisions of title 5, United States Code, disregarding the amendments made by this section, except that any individual making an election pursuant to this sentence shall be ineligible to make an election otherwise allowable under paragraph (2).

   (2) RETROACTIVE RULES.—
      (A) IN GENERAL.—The regulations under subsection (b) shall include provisions for the application of sections 8347(q) and 8461(n) of title 5, United States Code, as amended by this section, with respect to any individual who, at any time after December 31, 1965, and before the effective date of such regulations, moved between positions in circumstances that would have qualified such individual to make an election under the provisions of such section 8347(q) or 8461(n), as so amended, if such provisions had then been in effect.

      (B) DEADLINE; RELATED PROVISIONS.—An election pursuant to this paragraph—
         (i) shall be made within 1 year after the effective date of the regulations under subsection (b), and
         (ii) shall have the same force and effect as if it had been timely made at the time of the move, except that no such election may be made by any individual—
            (I) who has previously made, or had an opportunity to make, an election under section 8347(q) or 8461(n) of title 5, United States Code (as in effect before being amended by this section); however, this subclause shall not be considered to render an individual ineligible, based on an opportunity arising out of a move occurring
during the period described in the second sentence of paragraph (1), if no election has in fact been made by such individual based on such move;

(II) who has not, since the move on which eligibility for the election is based, remained continuously subject (disregarding any break in service of less than 3 days) to CSRS or FERS or both seriatim (if the move was from a NAFI position) or any retirement system (or 2 or more such systems seriatim) established for employees described in section 2105(c) of such title (if the move was to a NAFI position); or

(III) if such election would be based on a move to the Civil Service Retirement System from a retirement system established for employees described in section 2105(c) of such title.

(C) TRANSFERS OF CONTRIBUTIONS.—

(i) IN GENERAL.—If an individual makes an election under this paragraph to be transferred back to a retirement system in which such individual previously participated (in this section referred to as the “previous system”), all individual contributions (including interest) and Government contributions to the retirement system in which such individual is then currently participating (in this section referred to as the “current system”), excluding those made to the Thrift Savings Plan or any other defined contribution plan, which are attributable to periods of service performed since the move on which the election is based, shall be paid to the fund, account, or other repository for contributions made under the previous system. For purposes of this section, the term “current system” shall be considered also to include any retirement system (besides the one in which the individual is participating at the time of making the election) in which such individual previously participated since the move on which the election is based.

(ii) CONDITION SUBSEQUENT RELATING TO REPAYMENT OF LUMP-SUM CREDIT.—In the case of an individual who has received such individual’s lump-sum credit (within the meaning of section 8401(19) of title 5, United States Code, or a similar payment) from such individual’s previous system, the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) unless such lump-sum credit is redeposited or otherwise paid at such time and in such manner as shall be required under applicable regulations. Regulations to carry out this clause shall include provisions for the computation of interest (consistent with section 8334(e) (2) and (3) of title 5, United States Code), if no provisions for such computation otherwise exist.

(iii) CONDITION SUBSEQUENT RELATING TO DEFICIENCY IN PAYMENTS RELATIVE TO AMOUNTS NEEDED TO ENSURE THAT BENEFITS ARE FULLY FUNDED.—

(I) IN GENERAL.—Except as provided in subclause (II), the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) if the actuarial present value of the future benefits that would be payable under the previous system with respect to service performed by such individual after the move on which the election under this paragraph is based and before the effective date of the election, exceeds the total amounts required to be transferred to the previous system under the preceding
provisions of this subparagraph with respect to such service, as determined by the authority administering such previous system (in this section referred to as the "administrative authority").

(II) A determination of a deficiency under this clause shall not render an election ineffective if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the full amount of the deficiency described in subclause (I).

(D) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN FERS.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in FERS; and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph, determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying NAFI service of such individual treated as creditable service for purposes of any annuity under FERS payable out of the Civil Service Retirement and Disability Fund.

(iii) QUALIFYING NAFI SERVICE.—For purposes of this subparagraph, the term "qualifying NAFI service" means any service which, but for this subparagraph, would be creditable for purposes of any retirement system established for employees described in section 2105(c) of title 5, United States Code.

(iv) SERVICE CEASES TO BE CREDITABLE FOR NAFI RETIREMENT SYSTEM PURPOSES.—Any qualifying NAFI service that becomes creditable for FERS purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of any retirement system referred to in clause (iii).

(v) CONDITIONS.—An election under this subparagraph shall be subject to requirements, similar to those set forth in subparagraph (C), to ensure that—

(I) appropriate transfers of individual and Government contributions are made to the Civil Service Retirement and Disability Fund; and

(II) the actuarial present value of future benefits under FERS attributable to service made creditable by such election is fully funded.

(E) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN A NAFI RETIREMENT SYSTEM.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in any retirement system established for employees described in section 2105(c) of title 5, United States Code (in this subparagraph referred to as a "NAFI retirement system"); and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph (determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein) based on a move from FERS.
(ii) **Election.**—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying FERS service of such individual treated as creditable service for purposes of determining eligibility for benefits under a NAFI retirement system, but not for purposes of computing the amount of any such benefits except as provided in clause (v)(I).

(iii) **Qualifying FERS Service.**—For purposes of this subparagraph, the term “qualifying FERS service” means any service which, but for this subparagraph, would be creditable for purposes of the Federal Employees’ Retirement System.

(iv) **Service Ceases to Be Creditable for Purposes of FERS.**—Any qualifying FERS service that becomes creditable for NAFI purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of the Federal Employees’ Retirement System.

(v) **Funding Requirements.**—

(I) **In General.**—Except as provided in subclause (II), nothing in this section or in any other provision of law or any other authority shall be considered to require any payment or transfer of monies in order for an election under this subparagraph to be effective.

(II) **Contribution Required Only if Individual Elects to Have Service Made Creditable for Computation Purposes as Well.**—Under regulations prescribed by the appropriate administrative authority, an individual making an election under this subparagraph may further elect to have the qualifying FERS service made creditable for computation purposes under a NAFI retirement system, but only if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the amount necessary to fully fund the actuarial present value of future benefits under the NAFI retirement system attributable to the qualifying FERS service.

(3) **Information.**—The regulations under subsection (b) shall include provisions under which any individual—

(A) shall, upon request, be provided information or assistance in determining whether such individual is eligible to make an election under paragraph (2) and, if so, the exact amount of any payment which would be required of such individual in connection with any such election; and

(B) may seek any other information or assistance relating to any such election.

(d) **Creditability of NAFI Service for RIF Purposes.**—

(1) **In General.**—Clause (ii) of section 3502(a)(C) of title 5, United States Code, is amended by striking “January 1, 1987” and inserting “January 1, 1966”.

(2) **Effective Date.**—Notwithstanding any provision of subsection (c), the amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to any reduction in force carried out on or after such date.
SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) Extension of Authority.—The Secretary of Defense may, until the end of January 31, 1996, and without regard to the time limitations specified in subsection (a) of section 5523 of title 5, United States Code, make payments under the provisions of such section from funds available for the pay of civilian personnel in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary. This section shall take effect as of October 1, 1995, and shall apply with respect to payments made for periods occurring on or after that date.

(b) Monthly Report.—On the first day of each month beginning after the date of the enactment of this Act and ending before March 1996, the Secretary of the Navy shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the payment of employees pursuant to subsection (a). Each such report shall include, for the month preceding the month in which the report is transmitted, a statement of the following:

(1) The number of the employees paid pursuant to such section.
(2) The positions of employment of the employees.
(3) The number and location of the employees' dependents and immediate families.
(4) The actions taken by the Secretary to eliminate the conditions which necessitated the payments.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMISSION REGARDING GUARD AND RESERVE COMPONENTS.

(a) Report.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the Guard and Reserve components.

(b) Content.—The report shall include the following:

(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the Guard and Reserve components.
(2) A listing, with respect to each such component, of each of the following:
   (A) The amount requested for each major weapon system for which funds are requested in the budget for that component.
   (B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.
   (C) The amount requested for each military construction project, together with the location of each such project, for which funds are requested in the budget for that component.

(c) Inclusion of Information in Next FYDP.—The Secretary of Defense shall specifically display in the next future-years defense program (or program revision) submitted to Congress after the date of the enactment of this Act the amounts programmed for procurement of equipment and for military construction for each of the Guard and Reserve components.

(d) Definition.—For purposes of this section, the term “Guard and Reserve components” means the following:
SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF PROVIDING AUTHORITY FOR USE OF FUNDS DERIVED FROM RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) Report.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and feasibility of authorizing by law the retention and use by the Department of Defense of a specified portion (not to exceed three percent) of amounts recovered by the Government during any fiscal year from losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations.

(b) Matters To Be Included.—The report shall include the views of the Secretary of Defense regarding—

(1) the degree to which such authority would create enhanced incentives for the discovery, investigation, and resolution of contractor fraud at military installations; and

(2) the appropriate allocation for funds that would be available for expenditure pursuant to such authority.

SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks. The report shall include the following:

(1) A description of the national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) An assessment of the future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) Study.—The Secretary of Defense shall conduct a study of the boards and commissions described in subsection (c). As part of such study, the Secretary shall determine, with respect to each such board or commission that received support from the Department of Defense during fiscal year 1995, whether that board or commission merits continued support from the Department.

(b) Report.—Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives

President.
a report on the results of the study. The report shall include the following:

(1) A list of each board and commission described in subsection (c) that received support from the Department of Defense during fiscal year 1995.

(2) With respect to the boards and commissions specified on the list under paragraph (1)—

(A) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department of Defense is merited; and

(B) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department if not merited.

(3) For each board and commission specified on the list under paragraph (2)(A), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the continued support of the Department.

(4) For each board and commission specified on the list under paragraph (2)(B), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995; and

(C) a justification of the determination that the board or commission does not merit the continued support of the Department.

(c) COVERED BOARDS AND COMMISSIONS.—Subsection (a) applies to any board or commission (including any board or commission authorized by law) that operates within or for the Department of Defense and that—

(1) provides only policy-making assistance or advisory services for the Department; or

(2) carries out only activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

(d) SUPPORT DEFINED.—For purposes of this section, the term “support” includes the provision of any of the following:

(1) Funds.

(2) Equipment, materiel, or other assets.

(3) Services of personnel.

SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.

Section 119(a) of title 10, United States Code, is amended by striking out “February 1” and inserting in lieu thereof “March 1”.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.
(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are each amended by striking out the item relating to chapter 89.

(b) SEACURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting “or” at the end of paragraph (1);

(B) by striking out “; or” at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesigning subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of each of sections 173(b) and 174(b) of such title is amended to read as follows: “Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.”

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out “is entitled to not more than $5 a day and”.

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVITIES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out “subsection (b)” and inserting in lieu thereof “subsection (a)”.

(i) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(k) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Subsection (a) of section 409 of Public Law 91-121 (50 U.S.C. 1511) is repealed.
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SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) Annual Report on Relocation Assistance Programs.—Section 1056 of title 10, United States Code, is amended—
   (1) by striking out subsection (f); and
   (2) by redesignating subsection (g) as subsection (f).

(b) Notice of Salary Increases for Foreign National Employees.—Section 1584 of such title is amended—
   (1) by striking out subsection (b); and
   (2) in subsection (a), by striking out “(a) Waiver of Employment Restrictions for Certain Personnel.—”.

(c) Notice Regarding Contracts Performed for Periods Exceeding 10 Years.—(1) Section 2352 of such title is repealed.
   (2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2352.

(d) Report on Low-Rate Production Under Naval Vessel and Military Satellite Programs.—Section 2400(c) of such title is amended—
   (1) by striking out paragraph (2); and
   (2) in paragraph (1)—
      (A) by striking out “(1)”; and
      (B) by redesigning clauses (A) and (B) as clauses (1) and (2), respectively.

(e) Report on Waivers of Prohibition on Employment of Felons.—Section 2408(a)(3) of such title is amended by striking out the second sentence.

(f) Report on Determination Not To Debar for Fraudulent Use of Labels.—Section 2410f(a) of such title is amended by striking out the second sentence.

(g) Notice of Military Construction Contracts on Guam.—Section 2864(b) of such title is amended by striking out “after the 21-day period” and all that follows through “determination”.

SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.

   (1) by striking out subsection (b); and
   (2) in subsection (a), by striking out “(a) Limitation.—”.

   (1) by striking out subsection (f); and
   (2) by redesigning subsections (g) and (h) as subsections (f) and (g), respectively.

(c) Science, Mathematics, and Engineering Education Master Plan.—Section 829 of the National Defense Authorization Act
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(d) REPORT REGARDING HEATING FACILITY MODERNIZATION AT KAIERSLAUTERN.—Section 8008 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1438), is amended by inserting “but without regard to the notification requirement in subsection (b)(2) of such section,” after “section 2690 of title 10, United States Code,”.

SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) REQUIREMENT UNDER ARMS EXPORT CONTROL ACT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) ANNUAL REPORT ON NATIONAL SECURITY AGENCY EXECUTIVE PERSONNEL.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) REPORTS CONCERNING CERTAIN FEDERAL CONTRACTING AND FINANCIAL TRANSACTIONS.—Section 1352 of title 31, United States Code, is amended—

(1) in subsection (b)(6)(A), by inserting “(other than the Secretary of Defense and Secretary of a military department)” after “The head of each agency”; and

(2) in subsection (d)(1), by inserting “(other than in the case of the Department of Defense or a military department)” after ‘paragraph (3) of this subsection’.

(d) ANNUAL REPORT ON WATER RESOURCES PROJECT AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) ANNUAL REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE WATERWAY.—Section 185 of the Water Resources Development Act of 1976 (33 U.S.C. 544c) is amended by striking out the second sentence.

(f) ANNUAL REPORT ON MONITORING OF NAVY HOME PORT WATERS.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle G—Department of Defense Education Programs

SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) POLICY.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in such section regarding the budgetary commitment to continuation of the University.

(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Sciences may not be reduced below the personnel staffing levels for the University as of October 1, 1993.

(c) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health
SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) ADDITIONAL SCHOOLS AND PROGRAMS.—Subsection (h) of section 2113 of title 10, United States Code, is amended to read as follows:

“(h) The Secretary of Defense may establish the following educational programs at the University:

“(1) Postdoctoral, postgraduate, and technological institutes.

“(2) A graduate school of nursing.

“(3) Other schools or programs that the Secretary determines necessary in order to operate the University in a cost-effective manner.”.

(b) CONFORMING AMENDMENTS TO REFLECT ADVISORY NATURE OF BOARD OF REGENTS.—(1) Section 2112(b) of such title is amended by striking out “, upon recommendation of the Board of Regents,”.

(2) Section 2113 of such title is amended—

(A) in subsection (a)—

(i) by striking out “a Board of Regents (hereinafter in this chapter referred to as the ‘Board’)” in the first sentence and inserting in lieu thereof “the Secretary of Defense”;

(ii) by inserting after the first sentence the following new sentence: “To assist the Secretary in an advisory capacity, there is a Board of Regents for the University.”;

(B) in subsection (d), by striking out “Board” the first place it appears and inserting in lieu thereof “Secretary”;

(C) in subsection (e), by striking out “of Defense”;

(D) in subsection (f)(1), by striking out “of Defense”;

(E) in subsection (g)—

(i) by striking out “Board is authorized to” in the first sentence and inserting in lieu thereof “Secretary may”;

(ii) by striking out “Board is also authorized to” in the third sentence and inserting in lieu thereof “Secretary may”;

(iii) by striking out “Board may also, subject to the approval of the Secretary of Defense,” in the fifth sentence and inserting in lieu thereof “Secretary may”; and

(F) by striking out “Board” each place it appears in subsections (f), (i), and (j) and inserting in lieu thereof “Secretary”.

(3) Section 2114(e)(1) of such title is amended by striking out “Board, upon approval of the Secretary of Defense,” and inserting in lieu thereof “Secretary of Defense”.

(c) CLERICAL AMENDMENTS.—(1) The heading of section 2113 of such title is amended to read as follows:

“§ 2113. Administration of University”.

(2) The item relating to such section in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

“2113. Administration of University.”.

SEC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of amounts appropriated pursuant to section 301, $600,000 shall be available to carry out adult education programs, consistent with the Adult Education Act (20 U.S.C. 1201 et seq.), for the following:
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SEC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Continuation of Department of Defense Program for Fiscal Year 1996.—(1) Of the amounts authorized to be appropriated in section 301(5)—

(A) $30,000,000 shall be available for providing educational agencies assistance (as defined in paragraph (4)(A)) to local educational agencies; and

(B) $5,000,000 shall be available for making educational agencies payments (as defined in paragraph (4)(B)) to local educational agencies.

(2) Not later than June 30, 1996, the Secretary of Defense shall—

(A) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(3) The Secretary of Defense shall disburse funds made available under subparagraphs (A) and (B) of paragraph (1) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to paragraph (2).

(4) In this section:

(A) The term "educational agencies assistance" means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(B) The term "educational agencies payments" means payments authorized under subsection (d) of that section, as amended by subsection (d).

(b) Special Rule for 1994 Payments.—The Secretary of Education shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(c) Reduction in Impact Threshold.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "30 percent" and inserting in lieu thereof "20 percent"; and

(2) by striking out "counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)" and inserting in lieu thereof "counted under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))".

(d) Adjustments Related to Base Closures and Realignment.—Subsection (d) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended to read as follows:

20 USC 7703 note.
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d) Adjustments Related to Base Closures and Realignments.—To assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall, in consultation with the Secretary of Education, make payments to local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall reduction of not less than 20 percent in the number of military dependent students as a result of the closure or realignment of military installations.


(f) Payments for Eligible Federally Connected Children.—Subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking “only if such agency” and inserting “if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency”; and

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

“(D) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

“(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

“(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State.”; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “(other than any amount received under paragraph (2)(B))” after “subsection”; and

(ii) in subclause (I) of clause (i), by striking “or the average per-pupil expenditure of all the States”;

(iii) by amending clause (ii) to read as follows:

“(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency.”; and

(iv) by amending clause (iii) to read as follows:

“(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

“(I) under this Act; or

“(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses.”; and

(B) by amending subparagraph (B) to read as follows:

“(B) Special Rule.—With respect to payments under this subsection for a fiscal year for a local educational
agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

“(i) the product of—

“(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

“(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

“(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.”.

(g) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

“(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

“(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

“(B) shall derive the per pupil expenditure amount for such year for the local educational agency’s comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.”.

(h) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 238 note) is amended—

(1) in subsection (e)(2)—

(A) in subparagraph (C), by inserting after “et seq.),” the following: “title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),”; and

(B) in subparagraph (D)(iii), by striking out “under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238);” and

(2) in subsection (h)—

(A) in paragraph (1), by striking out “section 14101 of the Elementary and Secondary Education Act of 1965” and inserting in lieu thereof “section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9));” and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

“(3) The term ‘State’ means each of the 50 States and the District of Columbia.”.

SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS’ EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amended by adding at the end the following:

“(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

“(i) transfer employees from schools established under this section to schools in the defense dependents’ education system in order to provide the services referred to in subparagraph (B) to such system; and

20 USC 7703 note.
“(ii) transfer employees from such system to schools established under this section in order to provide such services to those schools.

“(B) The services referred to in subparagraph (A) are the following:

“(i) Administrative services.

“(ii) Logistical services.

“(iii) Personnel services.

“(iv) Such other services as the Secretary considers appropriate.

“(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

“(D) The Secretary may provide that the transfer of an employee under this paragraph occur without reimbursement of the school or system concerned.

“(E) In this paragraph, the term ‘defense dependents’ education system’ means the program established and operated under section 1402(a) of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921(a)).”.

SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

“(2) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of title 38 and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 16132(a)(1) of this title, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of title 38 as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

“(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries concerned under regulations prescribed by the Secretary of Defense.”.

SEC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended by striking out “December 15 of each year” and inserting in lieu thereof “March 1 of each year”.

SEC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

(a) Limitation to Members of the Air Force.—Section 9315(a)(1) of title 10, United States Code, is amended by striking out “for enlisted members of the armed forces” and inserting in lieu thereof “for enlisted members of the Air Force”.

Regulations.
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(b) **Effective Date.**—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

**SEC. 1079. Amendments to Education Loan Repayment Programs.**

(a) **General Education Loan Repayment Program.**—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out “or” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or”.

(b) **Education Loan Repayment Program for Enlisted Members of Selected Reserve with Critical Specialties.**—Section 16301(a)(1) of such title is amended—

(1) by striking out “or” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or”.

(c) **Education Loan Repayment Program for Health Professions Officers Serving in Selected Reserve with Wartime Critical Medical Skill Shortages.**—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or”.

**Subtitle H—Other Matters**

**SEC. 1081. National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion Programs.**

(a) **National Security Objectives for National Technology and Industrial Base.**—(1) Section 2501 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out “Defense Policy” in the subsection heading and inserting in lieu thereof “National Security”; and

(ii) by striking out paragraph (5);

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

“§ 2501. National security objectives concerning national technology and industrial base”.

(b) **National Defense Technology and Industrial Base Council.**—Section 2502(c) of such title is amended—

(1) in paragraph (1), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

“(B) programs for achieving such national security objectives; and”;

10 USC 9315 note.
(2) by striking out paragraph (2); and
(3) by redesignating paragraph (3) as paragraph (2).

(c) Modification of Defense Dual-Use Critical Technology Partnerships Program.—Section 2511 of such title is amended to read as follows:

"§ 2511. Defense dual-use critical technology program

“(a) Establishment of Program.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by encouraging and providing for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in furtherance of the program. The Secretary shall identify projects to be conducted as part of the program.

“(b) Assistance Authorized.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.

“(c) Financial Commitment of Non-Federal Government Participants.—(1) The total amount of funds provided by the Federal Government for a project conducted under the program may not exceed 50 percent of the total cost of the project. However, the Secretary of Defense may agree to a project in which the total amount of funds provided by the Federal Government exceeds 50 percent if the Secretary determines the project is particularly meritorious, but the project would not otherwise have sufficient non-Federal funding or in-kind contributions.

“(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a project conducted under the program for the purpose of calculating the share of the project costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of project activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the project from non-Federal sources.

“(3) The Secretary shall consider a project proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated project costs. Upon the selection of a project proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the project from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated project costs, the Secretary shall revoke the selection of the project proposal submitted by the small business concern.

“(d) Selection Process.—Competitive procedures shall be used in the conduct of the program.

“(e) Selection Criteria.—The criteria for the selection of projects under the program shall include the following:
“(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 2501(a) of this title.

“(2) The technical excellence of the proposed project.

“(3) The qualifications of the personnel proposed to participate in the research activities of the proposed project.

“(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed project other than through the project.

“(5) The potential effectiveness of the project in the further development and application of each technology proposed to be developed by the project for the national technology and industrial base.

“(6) The extent of the financial commitment of eligible firms to the proposed project.

“(7) The extent to which the project does not unnecessarily duplicate projects undertaken by other agencies.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.”.

(d) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out “referred to in section 2511(b) of this title”; and

(2) in subsection (f), by striking out “section 2511(f)” and inserting in lieu thereof “section 2511(e)”.

(e) MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.—Subsection (b) of section 2525 of such title is amended to read as follows:

“(b) PURPOSE OF PROGRAM.—The Secretary of Defense shall use the program—

“(1) to provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

“(2) to direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

“(3) to improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

“(4) to promote dual-use manufacturing processes;

“(5) to disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

“(6) to sustain and enhance the skills and capabilities of the manufacturing work force;

“(7) to promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

“(8) to ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.”.

(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—Sections 2512, 2513, 2520, 2521, 2522, 2523, and 2524 of such title are repealed.

(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516 of such title is repealed.
(h) **Repeal of Obsolete Definitions.**—Section 2491 of such title is amended—

(1) by striking out paragraphs (11) and (12); and

(2) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (11), (12), (13), and (14), respectively.

(i) **Clerical Amendments.**—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2501 and inserting in lieu thereof the following new item:

"2501. National security objectives concerning national technology and industrial base."

(2) The table of sections at the beginning of subchapter III of such chapter is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

"2511. Defense dual-use critical technology program."

(B) by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

**SEC. 1082. AMMUNITION INDUSTRIAL BASE.**

(a) **Review of Ammunition Procurement Programs.**—The Secretary of Defense shall carry out a review of the programs of the Department of Defense for the procurement of ammunition. The review shall include the Department of Defense management of ammunition procurement programs, including the procedures of the Department for the planning for, budgeting for, administration, and carrying out of such programs. The Secretary shall begin the review not later than 30 days after the date of the enactment of this Act.

(b) **Matters To Be Reviewd.**—The review under subsection (a) shall include an assessment of the following:

(1) The practicability and desirability of (A) continuing to use centralized procurement practices (through a single executive agent) for the procurement of ammunition required by the Armed Forces, and (B) using such centralized procurement practices for the procurement of all such ammunition.

(2) The capability of the ammunition production facilities of the Government to meet the requirements of the Armed Forces for procurement of ammunition.

(3) The practicability and desirability of converting those ammunition production facilities to ownership or operation by private sector entities.

(4) The practicability and desirability of integrating the budget planning for the procurement of ammunition among the Armed Forces.

(5) The practicability and desirability of establishing an advocate within the Department of Defense for matters relating to the ammunition industrial base, with such an advocate to be responsible for—

(A) establishing the quantity and price of ammunition procured by the Armed Forces; and

(B) establishing and implementing policy to ensure the continuing capability of the ammunition industrial base in the United States to meet the requirements of the Armed Forces.

(6) The practicability and desirability of providing information on the ammunition procurement practices of the Armed Forces to Congress through a single source.

(c) **Report.**—Not later than April 1, 1996, the Secretary shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall include the following:
(1) The results of the review.
(2) A discussion of the methodologies used in carrying out the review.
(3) An assessment of various methods of ensuring the continuing capability of the ammunition industrial base of the United States to meet the requirements of the Armed Forces.
(4) Recommendations of means (including legislation) of implementing those methods in order to ensure such continuing capability.

SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

No funds appropriated pursuant to an authorization of appropriations in this Act may be used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO SECONDARY SCHOOL STUDENT INFORMATION FOR RECRUITING PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the States (with respect to public schools) and entities operating private secondary schools should not have a policy of denying, or otherwise effectively preventing, the Secretary of Defense from obtaining for military recruiting purposes—
(A) entry to any secondary school or access to students at any secondary school equal to that of other employers; or
(B) access to directory information pertaining to students at secondary schools equal to that of other employers (other than in a case in which an objection has been raised as described in paragraph (2)); and
(2) any State, and any entity operating a private secondary school, that releases directory information secondary school students should—
(A) give public notice of the categories of such information to be released; and
(B) allow a reasonable period after such notice has been given for a student or (in the case of an individual younger than 18 years of age) a parent to inform the school that any or all of such information should not be released without obtaining prior consent from the student or the parent, as the case may be.

(b) REPORT ON DOD PROCEDURES.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on Department of Defense procedures for determining if and when a State or an entity operating a private secondary school has denied or prevented access to students or information as described in subsection (a)(1).

(c) DEFINITIONS.—For purposes of this section:
(1) The term “directory information” means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and (if available) the most recent previous educational program enrolled in by the student.
(2) The term “student” means an individual enrolled in any program of education who is 17 years of age or older.
SEC. 1085. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, THE VIETNAM ERA, AND THE COLD WAR.

(1) in subsection (b)(3)(A), by striking out “cannot be located after a reasonable effort.” and inserting in lieu thereof “cannot be located by the Secretary of Defense—
“(i) in the case of a person missing from the Vietnam era, after a reasonable effort; and
“(ii) in the case of a person missing from the Korean Conflict or Cold War, after a period of 90 days from the date on which any record or other information referred to in paragraph (2) is received by the Department of Defense for disclosure review from the Archivist of the United States, the Library of Congress, or the Joint United States-Russian Commission on POW/MIA’s.”; and
(2) in subsection (c)(1), by striking out “not later than September 30, 1995” and inserting in lieu thereof “not later than January 2, 1996”.

SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report that, as of the date of the enactment of this Act, is in preparation by the Chairman of the Joint Chiefs of Staff on operational support airlift aircraft.

(b) CONTENT OF REPORT.—(1) The report referred to in subsection (a) shall contain findings and recommendations on the following:
   (A) Requirements for the modernization and safety of the operational support airlift aircraft fleet.
   (B) The disposition of aircraft that would be excess to that fleet upon fulfillment of the requirements referred to in subparagraph (A).
   (C) Plans and requirements for the standardization of the fleet, including plans and requirements for the provision of a single manager for all logistical support and operational requirements.
   (D) Central scheduling of all operational support airlift aircraft.
   (E) Needs of the Department for helicopter support in the National Capital Region, including the acceptable uses of that support.

(2) In preparing the report, the Chairman of the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the operational support airlift aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of operational support airlift aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of such aircraft.

(3) The regulations shall apply uniformly throughout the Department.

(4) The regulations shall not require exclusive use of such aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown during fiscal year 1996 by operational support airlift aircraft does not exceed the number
equal to 85 percent of the number of hours flown during fiscal year 1995 by operational support airlift aircraft.

(2) The Secretary should ensure that the number of hours flown in the National Capital Region during fiscal year 1996 by helicopters of the operational support airlift aircraft fleet does not exceed the number equal to 85 percent of the number of hours flown in the National Capital Region during fiscal year 1995 by helicopters of the operational support airlift aircraft fleet.

(e) Restriction on Availability of Funds.—Of the funds appropriated pursuant to section 301 for the operation and use of operational support airlift aircraft, not more than 50 percent is available for obligation until the Secretary submits to Congress the report referred to in subsection (a).

(f) Definitions.—In this section:

(1) The term “operational support airlift aircraft” means aircraft of the Department of Defense designated within the Department as operational support airlift aircraft.

(2) The term “National Capital Region” has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

SEC. 1087. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out “full Civil Reserve Air Fleet” in subsections (b)(2) and (e) and inserting in lieu thereof “Civil Reserve Air Fleet”.

SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) Settlement of Claims of Personnel.—Section 3721(b)(1) of title 31, United States Code, is amended by inserting after the first sentence the following: “If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.”

(b) Applicability.—The amendment made by subsection (a) shall apply to claims arising before, on, or after the date of the enactment of this Act.

(c) Representations of Previously Presented Claims.—(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed $100,000.

(2) Subsection (k) of such section shall not apply to bar representation of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.
SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

“(g)(1) The Secretary of Defense may suspend or terminate an action by the Secretary or by the Secretary of a military department under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, or Marine Corps if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

“(2) In this subsection, the term ‘active duty’ has the meaning given that term in section 101 of title 10.”.

SEC. 1090. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) a dependent of personnel of the Government, but only—

“A) at a United States installation at which adequate banking facilities are not available; and

“B) in the case of negotiation of negotiable instruments, if the dependent’s sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.”.

(b) PAY OFFSET.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The amount of any deficiency resulting from cashing a check for a dependent under subsection (b)(3), including any charges assessed against the disbursing official by a financial institution for insufficient funds to pay the check, may be offset from the pay of the dependent’s sponsor.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

“(e) Regulations prescribed under subsection (d) shall include regulations that define the terms ‘dependent’ and ‘sponsor’ for the purposes of this section. In the regulations, the term ‘dependent’, with respect to a member of a uniformed service, shall have the meaning given that term in section 401 of title 37.”.

SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the “National Maritime Center”.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “National Maritime Center”.

SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.

(a) FINDINGS.—Congress makes the following findings:

(1) September 2, 1995, marks the 50th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the
battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial to the Battle of Midway that is suitable to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act (16 U.S.C. 470±470t), and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivors of the Battle of Midway, their families, and other visitors should be provided in a manner that ensures the public health and safety on the Midway Islands and the conservation of the natural resources of those islands in accordance with existing Federal law.

SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the executive branch and in proposing new programs.

SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR RISK INSURANCE.


TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Military Justice Amendments of 1995".

SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

Subtitle A—Offenses

SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) in the first sentence, by inserting "indictment or" after "shall be tried on"; and

(2) in the second sentence, by striking out "shall be" and all that follows and inserting in lieu thereof "shall be fined or imprisoned, or both, at the court's discretion.".
SEC. 1112. FLIGHT FROM APPREHENSION.
(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

"§ 895. Art. 95. Resistance, flight, breach of arrest, and escape

“Any person subject to this chapter who—
“(1) resists apprehension;
“(2) flees from apprehension;
“(3) breaks arrest; or
“(4) escapes from custody or confinement;
shall be punished as a court-martial may direct.”.

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:
“895. Art. 95. Resistance, flight, breach of arrest, and escape.”.

SEC. 1113. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

“(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—
“(1) who is not that person’s spouse; and
“(2) who has not attained the age of sixteen years;
is guilty of carnal knowledge and shall be punished as a court-martial may direct.”.

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:
“(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—
“(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and
“(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.
“(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.”.

Subtitle B—Sentences

SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY AND ALLOWANCES AND REDUCTIONS IN GRADE BY SENTENCE OF COURT-MARTIAL.

(a) EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.—Subsection (a) of section 857 (article 57) is amended to read as follows:

“(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—
“(A) the date that is 14 days after the date on which the sentence is adjudged; or
“(B) the date on which the sentence is approved by the convening authority.
“(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.
“(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.
“(4) In this subsection, the term ‘convening authority’, with respect to a sentence of a court-martial, means any person author-
ized to act on the sentence under section 860 of this title (article 60)."

(b) **Applicability.**—The amendment made by subsection (a) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

SEC. 1122. **REQUIRED FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.**

(a) **Effect of Punitive Separation or Confinement for More Than Six Months.**—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following:

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§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances during confinement

"(a)(1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred as provided in that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay and allowances due that member during such period.

"(2) A sentence covered by this section is any sentence that includes—

"(A) confinement for more than six months or death; or

"(B) confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

"(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

"(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a)(2), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect."

(2) The table of sections at the beginning of subchapter VIII is amended by adding at the end the following new item:

"858b. 58b. Sentences: forfeiture of pay and allowances during confinement."

(b) **Applicability.**—The section (article) added by the amendment made by subsection (a)(1) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

(c) **Conforming Amendment.**—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 1123. **Deferment of Confinement.**

(a) **Deferment.**—Subchapter VIII is amended—

(1) by inserting after subsection (c) of section 857 (article 57) the following:
“§ 857a. Art. 57a. Deferment of sentences”;

(2) by redesignating the succeeding two subsections as subsection (a) and (b);

(3) in subsection (b), as redesignated by paragraph (2), by striking out “postpone” and inserting in lieu thereof “defer”;

and

(4) by inserting after subsection (b), as redesignated by paragraph (2), the following:

“(c) In any case in which a court-martial sentences a person to confinement and the sentence to confinement has been ordered executed, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 857 (article 57) the following new item:

“857a. 57a. Deferment of sentences.”.

Subtitle C—Pretrial and Post-Trial Actions

SEC. 1131. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused—

“(1) is present at the investigation;

“(2) is informed of the nature of each uncharged offense investigated; and

“(3) is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b).”.

SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING AUTHORITY FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting after the first sentence the following: “Any such submission shall be in writing.”.

SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FACILITY BY REASON OF LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Subchapter IX is amended by inserting after section 876a (article 76a) the following:

“§ 876b. Art. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment

“(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the case of a person determined under this chapter to be presently suffering from a mental disease or defect rendering the person mentally incompetent to the extent that the person is unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

“(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

“(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed
person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

“(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

“(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

“(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

“(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

“(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1) If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

“(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

“(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

“(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

“(A) the general court-martial convening authority may commit the person to the custody of the Attorney General; and

“(B) the Attorney General shall take action in accordance with subsection (e) of section 4243 of title 18.

“(5) Subsections (f), (g), and (h) of section 4243 of title 18 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for the district where the person is hospitalized shall be considered as the court that ordered the person's commitment.

“(c) GENERAL PROVISIONS.—(1) Except as otherwise provided in this subsection and subsection (d)(1), the provisions of section 4247 of title 18 apply in the administration of this section.

“(2) In the application of section 4247(d) of title 18 to hearings conducted by a court-martial under this section or by (or by order of) a general court-martial convening authority under this section,
the reference in that section to section 3006A of such title does not apply.

“(d) Applicability.—(1) The provisions of chapter 313 of title 18 referred to in this section apply according to the provisions of this section notwithstanding section 4247(j) of title 18.

“(2) If the status of a person as described in section 802 of this title (article 2) terminates while the person is, pursuant to this section, in the custody of the Attorney General, hospitalized, or on conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the provisions of this section establishing requirements and procedures regarding a person no longer subject to this chapter shall continue to apply to that person notwithstanding the change of status.”.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 876a (article 76a) the following:

“876b. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment.”.

(b) Conforming Amendment.—Section 802 (article 2) is amended by adding at the end the following new subsection:

“(e) The provisions of this section are subject to section 876b(d)(2) of this title (article 76b(d)(2)).”.

(c) Effective Date.—Section 876b of title 10, United States Code (article 76b of the Uniform Code of Military Justice), as added by subsection (a), shall take effect at the end of the six-month period beginning on the date of the enactment of this Act and shall apply with respect to charges referred to courts-martial after the end of that period.

Subtitle D—Appellate Matters

SEC. 1141. APPEALS BY THE UNITED STATES.

(a) Appeals Relating to Disclosure of Classified Information.—Section 862(a)(1) (article 62(a)(1)) is amended to read as follows:

“(a)(1) In a trial by court-martial in which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal the following (other than an order or ruling that is, or that amounts to, a finding of not guilty with respect to the charge or specification):

“(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

“(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

“(C) An order or ruling which directs the disclosure of classified information.

“(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

“(E) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

“(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.”.

(b) Definitions.—Section 801 (article 1) is amended by inserting after paragraph (14) the following new paragraphs:

“(15) The term ‘classified information’ means (A) any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and (B) any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).
"(16) The term 'national security' means the national defense and foreign relations of the United States."

SEC. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF THE UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.


Subtitle E—Other Matters

SEC. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

(a) ESTABLISHMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly appoint an advisory committee to review and make recommendations concerning the appropriate forum for criminal jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict.

(b) MEMBERSHIP.—The committee shall be composed of at least five individuals, including experts in military law, international law, and Federal civilian criminal law. In making appointments to the committee, the Secretary and the Attorney General shall ensure that the members of the committee reflect diverse experiences in the conduct of prosecution and defense functions.

(c) DUTIES.—The committee shall do the following:

(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field.

(2) Based upon such review and other information available to the committee, develop specific recommendations concerning the advisability and feasibility of establishing United States criminal law jurisdiction over persons who as civilians accompany the Armed Forces in the field outside the United States during time of armed conflict not involving a war declared by Congress, including whether such jurisdiction should be established through any of the following means (or a combination of such means depending upon the degree of the armed conflict involved):

(A) Establishing court-martial jurisdiction over such persons.
(B) Extending the jurisdiction of the Article III courts to cover such persons.
(C) Establishing an Article I court to exercise criminal jurisdiction over such persons.

(3) Develop such additional recommendations as the committee considers appropriate as a result of the review.

(d) REPORT.—(1) Not later than December 15, 1996, the advisory committee shall transmit to the Secretary of Defense and the Attorney General a report setting forth its findings and recommendations, including the recommendations required under subsection (c)(2).

(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory committee to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) DEFINITIONS.—For purposes of this section:
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(1) The term “Article I court” means a court established under Article I of the Constitution.
(2) The term “Article III court” means a court established under Article III of the Constitution.

(f) TERMINATION OF COMMITTEE.—The advisory committee shall terminate 30 days after the date on which the report of the committee is submitted to Congress under subsection (d)(2).

SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out “within six days” and inserting in lieu thereof “within fourteen days”.

SEC. 1153. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out “Courts of Military Review” both places it appears and inserting in lieu thereof “Courts of Criminal Appeals”.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).
(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.
(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.
(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.
(4) Programs to expand military-to-military and defense contacts.

SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $90,000,000.
(2) For weapons security in Russia, $42,500,000.
(3) For the Defense Enterprise Fund, $0.
(4) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $35,000,000.
(5) For planning and design of a storage facility for Russian fissile material, $29,000,000.
(6) For planning and design of a chemical weapons destruction facility in Russia, $73,000,000.
(7) For activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.
(8) For activities designated as Other Assessments/Support $20,500,000.
(b) Limited Authority To Vary Individual Amounts.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph, but not in excess of 115 percent of that amount. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress a notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(c) Reimbursement of Pay Accounts.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may be transferred to military personnel accounts for reimbursement of those accounts for the amount of pay and allowances paid to reserve component personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

SEC. 1203. Prohibition on Use of Funds for Peacekeeping Exercises and Related Activities with Russia.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1204. Revision to Authority for Assistance for Weapons Destruction.

Section 211 of Public Law 102–228 (22 U.S.C. 2551 note) is amended by adding at the end the following new subsection:

"(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matters specified in that paragraph.".

SEC. 1205. Prior Notice to Congress of Obligation of Funds.

(a) Annual Requirement.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) Matters To Be Specified In Reports.—Each such report shall specify—
SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

SEC. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR WEAPONS SCIENTISTS OF FORMER SOVIET UNION.

Amounts appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may not be obligated for any program established primarily to assist nuclear weapons scientists in states of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used (1) to contribute to the modernization of the strategic nuclear forces of such states, or (2) for research, development, or production of weapons of mass destruction.

SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for the purpose stated in section 1202(a)(6), $60,000,000 may not be obligated or expended until the President submits to Congress either a certification as provided in subsection (b) or a certification as provided in subsection (c).

(b) CERTIFICATION WITH RESPECT TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.—A certification under this subsection is a certification by the President of each of the following:

(1) That Russia is in compliance with its obligations under the Biological Weapons Convention.
(2) That Russia has agreed with the United States and the United Kingdom on a common set of procedures to govern visits by officials of the United States and United Kingdom to military biological facilities of Russia, as called for under the Joint Statement on Biological Weapons issued by officials of the United States, the United Kingdom, and Russia on September 14, 1992.

(3) That visits by officials of the United States and United Kingdom to the four declared military biological facilities of Russia have occurred.

(c) ALTERNATIVE CERTIFICATION.—A certification under this subsection is a certification by the President that the President is unable to make a certification under subsection (b).

(d) USE OF FUNDS UPON ALTERNATIVE CERTIFICATION.—If the President makes a certification under subsection (c), the $60,000,000 specified in subsection (a)—

(1) shall not be available for the purpose stated in section 1202(a)(6); and

(2) shall be available for activities in Ukraine, Kazakhstan, and Belarus—

(A) for the elimination of strategic offensive weapons (in addition to the amount specified in section 1202(a)(1)); and

(B) for nuclear infrastructure elimination (in addition to the amount specified in section 1202(a)(4)).

SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for planning and design of a chemical weapons destruction facility, not more than one-half of such amount may be obligated or expended until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study to determine the feasibility of an appropriate technology for destruction of chemical weapons of Russia.

(2) That Russia is making reasonable progress, with the assistance of the United States (if necessary), toward the completion of a comprehensive implementation plan for managing and funding the dismantlement and destruction of Russia's chemical weapons stockpile.

(3) That the United States and Russia have made substantial progress toward resolution, to the satisfaction of the United States, of outstanding compliance issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:


(2) The term “1990 Bilateral Destruction Agreement” means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.
TITLE XIII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1301. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§ 405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(1) for the costs of a United Nations peacekeeping activity; or

"(2) for any United States arrearage to the United Nations.

"(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation."

Subtitle B—Humanitarian Assistance Programs

SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) COVERED PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

(b) GAO REPORT.—Not later than March 1, 1996, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

SEC. 1312. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code, is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant
to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

“(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

“(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

“(A) The total amount of funds obligated for humanitarian relief under this section.

“(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

“(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.”;

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out “the Committees on” and all that follows through “House of Representatives of the” and inserting in lieu thereof “the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the”;

(5) by redesignating subsection (g) as subsection (e); and

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

“(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

“(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

“(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.”.

SEC. 1313. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out “means—” and inserting in lieu thereof “means;”;

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out “;” and “at the end of paragraph (3)” and inserting in lieu thereof a period;

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

“(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.”.

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall ensure that no member of the Armed Forces, while providing assistance under this section that is described in subsection (e)(5)—

“(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

“(B) provides such assistance as part of a military operation that does not involve the Armed Forces.”.

Subtitle C—Arms Exports and Military Assistance

SEC. 1321. DEFENSE EXPORT LOAN GUARANTEES.

(a) Establishment of Program.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

Sec. 2540. Establishment of loan guarantee program.
2540a. Transferability.
2540b. Limitations.
2540c. Fees charged and collected.
2540d. Definitions.

§ 2540. Establishment of loan guarantee program

"(a) Establishment.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

(b) Covered Countries.—The authority under subsection (a) applies with respect to the following countries:

(1) A member nation of the North Atlantic Treaty Organization (NATO).
(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.
(3) A country in Central Europe that, as determined by the Secretary of State—
(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or
(B) is in the process of changing its form of national government from a nondemocratic form of government to a democratic form of government.
(4) A noncommunist country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

(c) Authority Subject to Provisions of Appropriations.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

§ 2540a. Transferability

"A guarantee issued under this subchapter shall be fully and freely transferable.

§ 2540b. Limitations

"(a) Terms and Conditions of Loan Guarantees.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.
"(b) Losses Arising From Fraud or Misrepresentation.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(c) No Right of Acceleration.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

§ 2540c. Fees charged and collected

"(a) Exposure Fees.—The Secretary of Defense shall charge a fee (known as ‘exposure fee’) for each guarantee issued under this subchapter.

"(b) Amount of Exposure Fee.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under subsection (a) with respect to a loan guarantee shall be fixed in an amount that is sufficient to meet potential liabilities of the United States under the loan guarantee.

"(c) Payment Terms.—The fee under subsection (a) for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"(d) Administrative Fees.—The Secretary of Defense shall charge a fee for each guarantee issued under this subchapter to reflect the additional administrative costs of the Department of Defense that are directly attributable to the administration of the program under this subchapter. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

§ 2540d. Definitions

"In this subchapter:

"(1) The terms ‘defense article’, ‘defense services’, and ‘design and construction services’ have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term ‘cost’, with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)."

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees ................................................................. 2540".

(b) Report.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.
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(c) First Year Costs.—The Secretary of Defense shall make available, from amounts appropriated to the Department of Defense for fiscal year 1996 for operations and maintenance, such amounts as may be necessary, not to exceed $500,000, for the expenses of the Department of Defense during fiscal year 1996 that are directly attributable to the administration of the defense export loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code, as added by subsection (a).

(d) Replenishment of Operations and Maintenance Accounts for First Year Costs.—The Secretary of Defense shall, using funds in the special account referred to in section 2540c(d) of title 10, United States Code (as added by subsection (b)), replenish operations and maintenance accounts for amounts expended from such accounts for expenses referred to in subsection (c).

SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

(a) Findings.—Congress makes the following findings:

(1) Export controls remain an important element of the national security policy of the United States.
(2) It is in the national security interest that United States export control policy be effective in preventing the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.
(3) It is in the national security interest that the United States monitor aggressively the export of militarily critical technology in order to prevent its diversion to potential adversaries or combatants of the United States.
(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.
(5) The maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Secretary of Defense should evaluate license applications for the export of militarily critical commodities the export of which is controlled for national security reasons if those commodities are to be exported to certain countries of concern;
(2) the Secretary of Defense should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies;
(3) upon identification by the Secretary of Defense of the dual-use items and technologies referred to in paragraph (2), the President should ensure effective export controls or use unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—
(A) pose a threat to the national security interests of the United States; and
(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies; and
(4) the President, upon recommendation of the Secretary of Defense, should ensure effective controls on the re-export by other countries of dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(c) Annual Report.—(1) Not later than December 1 of each year through 1999, the President shall submit to the committees specified in paragraph (4) a report on the effect of the export
control policy of the United States on the national security interests
of the United States.

(2) The report shall include the following:
(A) A list setting forth each country determined by the
Secretary of Defense, the intelligence community, and other
appropriate agencies to be a rogue nation or potential adversary
or combatant of the United States.
(B) For each country so listed, a list of—
(i) the categories of items that the United States cur-
cently prohibits for export to the country;
(ii) the categories of items that may be exported from
the United States with an individual license, and in such
cases, any licensing conditions normally required and the
policy grounds used for approvals and denials; and
(iii) the categories of items that may be exported under
a general license designated "G-DEST".
(C) For each category of items listed under subparagraph
(B)—
(i) a statement whether a prohibition, control, or licens-
ing requirement on a category of items is imposed pursuant
to an international multilateral agreement or is unilateral;
(ii) a statement whether a prohibition, control, or
licensing requirement on a category of items is imposed
by the other members of an international agreement or
is unilateral;
(iii) when the answer under either clause (i) or clause
(ii) is unilateral, a statement concerning the efforts being
made to ensure that the prohibition, control, or licensing
requirement is made multilateral; and
(iv) a statement on what impact, if any, a unilateral
prohibition is having, or would have, on preventing the
rogue nation or potential adversary from attaining the
items in question for military purposes.
(D) A description of United States policy on sharing satellite
imagery that has military significance and a discussion of the
criteria for determining the imagery that has that significance.
(E) A description of the relationship between United States
policy on the export of space launch vehicle technology and
the Missile Technology Control Regime.
(F) An assessment of United States efforts to support the
inclusion of additional countries in the Missile Technology Con-
trol Regime.
(G) An assessment of the ongoing efforts made by potential
participant countries in the Missile Technology Control Regime
to meet the guidelines established by the Missile Technology
Control Regime.
(H) A discussion of the history of the space launch vehicle
programs of other countries, including a discussion of the mili-
tary origins and purposes of such programs and the current
level of military involvement in such programs.

(3) The President shall submit the report in unclassified form,
but may include a classified annex.

(4) The committees referred to in paragraph (1) are the
following:
(A) The Committee on Armed Services and the Committee
on Foreign Relations of the Senate.
(B) The Committee on National Security and the Commit-
tee on International Relations of the House of Representatives.

(5) For purposes of this subsection, the term "Missile Tech-
ology Control Regime" means the policy statement announced
on April 16, 1987, between the United States, the United Kingdom,
the Federal Republic of Germany, France, Italy, Canada, and Japan
to restrict sensitive missile-relevant transfers based on the Missile
Technology Control Regime Annex, and any amendment thereto.
SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Any application to the Secretary of Commerce for a license for the export of a class 2, class 3, or class 4 biological pathogen to a country identified to the Secretary under subsection (c) as a country that is known or suspected to have a biological weapons program shall be referred to the Secretary of Defense for review. The Secretary of Defense shall notify the Secretary of Commerce within 15 days after receipt of an application under the preceding sentence whether the export of such biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL SECURITY INTEREST.—A license described in subsection (a) shall be denied by the Secretary of Commerce if it is determined that the export of such biological pathogen to that country would be contrary to the national security interests of the United States.

(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUSPECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE BIOLOGICAL WEAPONS.—

(1) The Secretary of Defense shall determine, for the purposes of this section, those countries that are known or suspected to have a program to develop offensive biological weapons. Upon making such determination, the Secretary shall provide to the Secretary of Commerce a list of those countries.

(2) The Secretary of Defense shall update the list under paragraph (1) on a regular basis. Whenever a country is added to or deleted from such list, the Secretary shall notify the Secretary of Commerce.

(3) Determination under this subsection of countries that are known or suspected to have a program to develop offensive biological weapons shall be made in consultation with the Secretary of State and the intelligence community.

(d) DEFINITION.—For purposes of this section, the term “class 2, class 3, or class 4 biological pathogen” means any biological pathogen that is characterized by the Centers for Disease Control as a class 2, class 3, or class 4 biological pathogen.

SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CONTROL MECHANISMS AND ON MILITARY ASSISTANCE.

(a) JOINT REPORTS BY SECRETARIES OF STATE AND COMMERCE.—Not later than April 1 of each of 1996 and 1997, the Secretary of State and the Secretary of Commerce shall submit to Congress a joint report, prepared in consultation with the Secretary of Defense, relating to United States export-control mechanisms. Each such report shall set forth measures to be taken to strengthen United States export-control mechanisms, including—

(1) steps being taken by each Secretary (A) to share on a regular basis the export licensing watchlist of that Secretary’s department with the other Secretary, and (B) to incorporate the export licensing watchlist data received from the other Secretary into the watchlist of that Secretary’s department;

(2) steps being taken by each Secretary to incorporate into the watchlist of that Secretary’s department similar data from systems maintained by the Department of Defense and the United States Customs Service; and

(3) a description of such further measures to be taken to strengthen United States export-control mechanisms as the Secretaries consider to be appropriate.

(b) REPORTS BY INSPECTORS GENERAL.—(1) Not later than April 1 of each of 1996 and 1997, the Inspector General of the Department of State and the Inspector General of the Department of Commerce shall each submit to Congress a report providing that official’s evaluation of the effectiveness during the preceding year of the export licensing watchlist screening process of that official’s depart-
ment. The reports shall be submitted in both a classified and unclassified version.

(2) Each report of an Inspector General under paragraph (1) shall (with respect to that official’s department)—

(A) set forth the number of export licenses granted to parties on the export licensing watchlist;

(B) set forth the number of end-use checks performed with respect to export licenses granted to parties on the export licensing watchlist the previous year;

(C) assess the screening process used in granting an export license when an applicant is on the export licensing watchlist; and

(D) assess the extent to which the export licensing watchlist contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

“SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE, MILITARY EXPORTS, AND MILITARY IMPORTS.

“(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

“(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

“(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.”.

SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.
Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

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(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).”.
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(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out “credited under subsection (b) to an appropriation account of the Department of Defense” and inserting in lieu thereof “placed in an account established under subsection (b)”.

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out “a report to the congressional defense committees” and inserting in lieu thereof “to the congressional committees specified in subsection (g) a report”; and

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

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(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

“(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.
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SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

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§ 2350k. Relocation within host nation of elements of armed forces overseas

“(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

“(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

“(1) Design and construction services, including development and review of statements of work, master plans and
designs, acquisition of construction, and supervision and administration of contracts relating thereto.

“(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

“(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

“(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

“(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

“(6) All other clearly identifiable expenses directly related to relocation.

“(c) Method of Contribution.—Contributions may be accepted in any of the following forms:

“(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

“(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

“(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

“(d) Annual Report to Congress.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

“(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

“(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.”.

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

“2350k. Relocation within host nation of elements of armed forces overseas.”.

(b) Effective Date.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS FOR UNITED STATES INSTALLATIONS IN EUROPE.

Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890) is amended—

(1) by inserting “(1)” after “so that”; and

(2) by inserting before the period at the end the following: “, and (2) by September 30, 1997, those nations have assumed 42.5 percent of such costs”.

SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EUROPEAN END STRENGTH LIMITATION.

(a) Exclusion of Members Performing Duties Under Military-To-Military Contact Program.—Paragraph (3) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended to read as follows:

“(3) For purposes of this subsection, the following members of the Armed Forces are excluded in calculating the end strength
level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO:

(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.

SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “or a NATO organization” after “a participant (other than the United States)”; and

(2) in paragraph (2), by striking out “a cooperative project” and inserting in lieu thereof “such a cooperative project or a NATO organization”.

SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should promptly seek to undertake such actions as are necessary—

(1) to ensure that suitable port services are available to the Navy at the Port of Haifa, Israel; and

(2) to ensure the availability to the Navy of suitable services at that port in light of the continuing increase in commercial activities at the port.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on the availability of port services for the Navy in the eastern Mediterranean Sea region. The report shall specify—

(1) the services required by the Navy when calling at the port of Haifa, Israel; and

(2) the availability of those services at ports elsewhere in the region.

Subtitle E—Other Matters

SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

“§ 2249a. Prohibition on providing financial assistance to terrorist countries

“(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

“(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

“(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

“(3) any other country that, as determined by the President—

“(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

“(B) otherwise supports international terrorism.
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“(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

(A) that it is in the national security interests of the United States to do so; or

(B) that the waiver should be granted for humanitarian reasons.

“(2) The President shall—

(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

(B) publish a notice of the waiver in the Federal Register.

“(c) DEFINITION.—In this section, the term ‘international terrorism’ has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

“2249a. Prohibition on providing financial assistance to terrorist countries.”.

SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of
persons to the International Tribunal for Yugoslavia or the
International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS
AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of
title 28, United States Code, is amended by inserting in the first
sentence after “foreign or international tribunal” the following: “,
including criminal investigations conducted before formal
accusation”.

(c) DEFINITIONS.—For purposes of this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term
“International Tribunal for Yugoslavia” means the Interna-
tional Tribunal for the Prosecution of Persons Responsible
for Serious Violations of International Humanitarian Law in
the Territory of the Former Yugoslavia, as established by
United Nations Security Council Resolution 827 of May 25,
1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term
“International Tribunal for Rwanda” means the Interna-
tional Tribunal for the Prosecution of Persons Responsible for
Genocide and Other Serious Violations of International Humani-
tarian Law Committed in the Territory of Rwanda and
Rwandan Citizens Responsible for Genocide and Other Such
Violations Committed in the Territory of Neighboring States,
as established by United Nations Security Council Resolution
955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE
INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term “Agree-
ment Between the United States and the International Tribunal
for Yugoslavia” means the Agreement on Surrender of Persons
Between the Government of the United States and the Interna-
tional Tribunal for the Prosecution of Persons Responsible
for Serious Violations of International Law in the Territory
of the Former Yugoslavia, signed at The Hague, October 5,
1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE
INTERNATIONAL TRIBUNAL FOR RWANDA.—The term “Agreement
between the United States and the International Tribunal for
Rwanda” means the Agreement on Surrender of Persons
Between the Government of the United States and the Interna-
tional Tribunal for the Prosecution of Persons Responsible
for Genocide and Other Serious Violations of International
Humanitarian Law Committed in the Territory of Rwanda and
Rwandan Citizens Responsible for Genocide and Other Such
Violations Committed in the Territory of Neighboring States,
signed at The Hague, January 24, 1995.

SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED STATES-PEO-
PLE’S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION
COMMISSION.

(a) REPORTS REQUIRED.—The Secretary of Defense shall submit
to Congress a semiannual report on the United States-People’s
Republic of China Joint Defense Conversion Commission. Each
such report shall include the following:

(1) A description of the extent to which the activities con-
ducted in, through, or as a result of the Commission could
have directly or indirectly assisted, or may directly or indirectly
assist, the military modernization efforts of the People’s Republic
of China.

(2) A discussion of the activities and operations of the
Commission, including—

(A) United States funding;
(B) a listing of participating United States officials;
(C) specification of meeting dates and locations
(prospective and retrospective);
(D) summary of discussions; and
(E) copies of any agreements reached.

(3) A discussion of the relationship between the “defense conversion” activities of the People’s Republic of China and its defense modernization efforts.

(4) A discussion of the extent to which United States business activities pursued, or proposed to be pursued, under the imprimatur of the Commission, or the importation of western technology in general, contributes to the modernization of China’s military industrial base, including any steps taken by the United States or by United States commercial entities to safeguard the technology or intellectual property rights associated with any materials or information transferred.

(5) An assessment of the benefits derived by the United States from its participation in the Commission, including whether or to what extent United States participation in the Commission has resulted or will result in the following:

(A) Increased transparency in the current and projected military budget and doctrine of the People’s Republic of China.

(B) Improved behavior and cooperation by the People’s Republic of China in the areas of missile and nuclear proliferation.

(C) Increased transparency in the plans of the People’s Republic of China’s for nuclear and missile force modernization and testing.

(6) Efforts undertaken by the Secretary of Defense to—

(A) establish a list of enterprises controlled by the People’s Liberation Army, including those which have been successfully converted to produce products solely for civilian use; and

(B) provide estimates of the total revenues of those enterprises.

(7) A description of current or proposed mechanisms for improving the ability of the United States to track the flow of revenues from the enterprises specified on the list established under paragraph (6)(A).

(b) SUBMITTAL OF REPORTS.—A report shall be submitted under subsection (a) not later than August 1 of each year with respect to the first six months of that year and shall be submitted not later than February 1 of each year with respect to the last six months of the preceding year. The first report under such subsection shall be submitted not less than 60 days after the date of the enactment of this Act and shall apply with respect to the six-month period preceding the date of the enactment of this Act.

(c) FINAL REPORT UPON TERMINATION OF COMMISSION.—Upon the termination of the United States-People’s Republic of China Joint Defense Conversion Commission, the Secretary of Defense shall submit a final report under this section covering the period from the end of the period covered by the last such report through the termination of the Commission, and subsection (a) shall cease to apply after the submission of such report.

TITLE XIV—ARMS CONTROL MATTERS

SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1832) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by striking out “by remote control or”;

(3) by inserting “(1)” before “For purposes of”; and

(4) by adding at the end the following new paragraph:
"(2) The term does not include command detonated antipersonnel land mines (such as the M18A1 ‘Claymore’ mine)."

SEC. 1402. REPORTS ON MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

Not later than April 30 of each of 1996, 1997, and 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the projected effects of a moratorium on the defensive use of antipersonnel mines and antitank mines by the Armed Forces. The report shall include a discussion of the following matters:

1. The extent to which current doctrine and practices of the Armed Forces on the defensive use of antipersonnel mines and antitank mines adhere to applicable international law.

2. The effects that a moratorium would have on the defensive use of the current United States inventory of remotely delivered, self-destructing antitank systems, antipersonnel mines, and antitank mines.


4. The cost of clearing the antipersonnel minefields currently protecting Naval Station Guantanamo Bay, Cuba, and other United States installations.

5. The cost of replacing antipersonnel mines in such minefields with substitute systems such as the Claymore mine, and the level of protection that would be afforded by use of such a substitute.

6. The extent to which the defensive use of antipersonnel mines and antitank mines by the Armed Forces is a source of civilian casualties around the world, and the extent to which the United States, and the Department of Defense particularly, contributes to alleviating the illegal and indiscriminate use of such munitions.

7. The extent to which the threat to the security of United States forces during operations other than war and combat operations would increase as a result of such a moratorium.

SEC. 1403. EXTENSION AND AMENDMENT OF COUNTER-PROLIFERATION AUTHORITIES.

(a) One-Year Extension of Program.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102-484; 22 U.S.C. 5859a) is amended—

1. in subsection (a), by striking out “during fiscal years 1994 and 1995”;

2. in subsection (e)(1), by striking out “fiscal years 1994 and 1995” and inserting in lieu thereof “a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect”; and

3. by adding at the end the following new subsection:

(f) Termination of Authority.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.”.

(b) Program Authorities.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out “the On-Site Inspection Agency” and inserting in lieu thereof “the Department of Defense”.

2. Subsection (c)(3) of such section is amended by striking out “will be counted” and all that follows and inserting in lieu thereof “will be counted as discretionary spending in the national defense budget function (function 050)”.

(c) Amount of Assistance.—Subsection (d) of such section is amended—

1. in paragraph (1)—

(A) by striking out “for fiscal year 1994” the first place it appears and all that follows through the period
at the end of the second sentence and inserting in lieu thereof “for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year.”; and
(B) by striking out “referred to in this paragraph”; and
(2) in paragraph (3)—
(A) by striking out “may not exceed” and all that follows through “1995”; and
(B) by inserting before the period at the end the following: “may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996”.

SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.
(2) Trident ballistic missile submarines.
(3) Minuteman III intercontinental ballistic missiles.
(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the “Krasnoyarsk radar” stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 902 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Congress also—
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(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.

(c) FURTHER REFERENCE TO 1989 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 1006(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1543) Congress also—

(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated—

(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY VIOLATIONS.—It is the sense of Congress that the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests.

(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of subsections (a) through (e), it is the sense of Congress that the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF CHEMICAL WEAPONS CONVENTION AND START II TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten United States citizens at home and abroad.

(2) Events such as the March 1995 terrorist release of a chemical nerve agent in the Tokyo subway, the threatened use of chemical weapons during the 1991 Persian Gulf War, and the widespread use of chemical weapons during the Iran-Iraq War of the 1980's are all potent reminders of the menace posed by chemical weapons, of the fact that the threat of chemical weapons is not sufficiently addressed, and of the need to outlaw the development, production, and possession of chemical weapons.

(3) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use
chemical weapons, if ratified and fully implemented, as signed, by all signatories.

(4) United States military authorities, including Chairman of the Joint Chiefs of Staff General John Shalikashvili, have stated that United States military forces will deter and respond to chemical weapons threats with a robust chemical defense and an overwhelming superior conventional response, as demonstrated in the Persian Gulf War, and have testified in support of the ratification of the Chemical Weapons Convention.

(5) The United States intelligence community has testified that the Convention will provide new and important sources of information, through regular data exchanges and routine and challenge inspections, to improve the ability of the United States to assess the chemical weapons status in countries of concern.

(6) The Convention has not entered into force for lack of the requisite number of ratifications.

(7) Russia has signed the Convention, but has not yet ratified it.

(8) There have been reports by Russian sources of continued Russian production and testing of chemical weapons, including a statement by a spokesman of the Russian Ministry of Defense on December 5, 1994, that “We cannot say that all chemical weapons production and testing has stopped altogether.”

(9) The Convention will impose a legally binding obligation on Russia and other nations that possess chemical weapons and that ratify the Convention to cease offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

(10) The United States must be prepared to exercise fully its rights under the Convention, including the request of challenge inspections when warranted, and to exercise leadership in pursuing punitive measures against violators of the Convention, when warranted.

(11) The United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990.

(12) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(13) It is in the national security interest of the United States to take effective steps to make it more difficult for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(14) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(15) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, Russia, and all other parties to the START II Treaty and the Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

SEC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts appropriated pursuant to authorizations in sections 102, 103, 104, 201, and 301, the Secretary of Defense may use an amount not to exceed $239,941,000 for
implementing arms control agreements to which the United States is a party.

(b) Limitation.—(1) Funds made available pursuant to subsection (a) for the costs of implementing an arms control agreement may not (except as provided in paragraph (2)) be used to reimburse expenses incurred by any other party to the agreement for which (without regard to any executive agreement or any policy not part of an arms control agreement)—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use of funds to carry out an arms control expenses reimbursement policy of the United States described in subsection (c).

(c) Covered Arms Control Expenses Reimbursement Policies.—Subsection (b)(2) applies to a policy of the United States to reimburse expenses incurred by another party to an arms control agreement if—

1. the policy does not modify any obligation imposed by the arms control agreement;

2. the President—

(A) issued or approved the policy before the date of the enactment of this Act; or

(B) entered into an agreement on the policy with the government of another country or approved an agreement on the policy entered into by an official of the United States and the government of another country; and

3. the President has notified the designated congressional committees of the policy or the policy agreement (as the case may be), in writing, at least 30 days before the date on which the President issued or approved the policy or has entered into or approved the policy agreement.

(d) Definitions.—For the purposes of this section:

1. The term “arms control agreement” means an arms control treaty or other form of international arms control agreement.

2. The term “executive agreement” means an international agreement entered into by the President that is not authorized by law or entered into as a Treaty to which the Senate has given its advice and consent to ratification.

3. The term “designated congressional committees” means the following:

(A) The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(B) The Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) Sanctions Against Transfers of Persons.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by inserting “to acquire chemical, biological, or nuclear weapons or” before “to acquire”.

(b) Sanctions Against Transfers of Foreign Countries.—Section 1605(a) of such Act is amended by inserting “to acquire chemical, biological, or nuclear weapons or” before “to acquire”.

(c) Clarification of United States Assistance.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

“(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;”.

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(d) Notification of Certain Waivers Under MTCR Procedures.—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2)) is amended—
(1) by striking out “the Congress” and inserting in lieu thereof “the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives”; and
(2) by striking out “20 working days” and inserting in lieu thereof “45 working days”.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) Public Law 103–337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)) is amended as follows:

(1) Section 1624 (108 Stat. 2961) is amended—
(A) by striking out “641” and all that follows through “(2)” and inserting in lieu thereof “620 is amended”; and
(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.
(2) Section 1625 (108 Stat. 2962) is amended by striking out “Section 689” and inserting in lieu thereof “Section 12320”.
(3) Section 1626(1) (108 Stat. 2962) is amended by striking out “(W–5)” in the second quoted matter therein and inserting in lieu thereof “, W–5.”.
(4) Section 1627 (108 Stat. 2962) is amended by striking out “Section 1005(b)” and inserting in lieu thereof “Section 12645(b)”.
(5) Section 1631 (108 Stat. 2964) is amended—
(A) in subsection (a), by striking out “Section 510” and inserting in lieu thereof “Section 12102”; and
(B) in subsection (b), by striking out “Section 591” and inserting in lieu thereof “Section 12201”.
(6) Section 1632 (108 Stat. 2965) is amended by striking out “Section 593(a)” and inserting in lieu thereof “Section 12203(a)”.
(7) Section 1635(a) (108 Stat. 2968) is amended by striking out “section 1291” and inserting in lieu thereof “section 1691(b)”.
(8) Section 1671 (108 Stat. 3013) is amended—
(A) in subsection (b)(3), by striking out “512, and 517” and inserting in lieu thereof “and 512”; and
(B) in subsection (c)(2), by striking out the comma after “861” in the first quoted matter therein.
(9) Section 1684(b) (108 Stat. 3024) is amended by striking out “section 14110(d)” and inserting in lieu thereof “section 14111(c)”.

(b) Subtitle E of Title 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out “Repayments” in the item relating to chapter 1609 and inserting in lieu thereof “Repayment Programs”.
(2)(A) The heading for section 10103 is amended to read as follows:
§10103. Basic policy for order into Federal service.

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

``10103. Basic policy for order into Federal service.''.

(3) The table of sections at the beginning of chapter 1005 is amended by striking out the third word in the item relating to section 10142.

(4) The table of sections at the beginning of chapter 1007 is amended—

(A) by striking out the third word in the item relating to section 10205; and

(B) by capitalizing the initial letter of the sixth word in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 1011 is amended by inserting “Sec.” at the top of the column of section numbers.

(6) Section 10507 is amended—

(A) by striking out “section 124402(b)” and inserting in lieu thereof “section 12402(b)”; and

(B) by striking out “Air Forces” and inserting in lieu thereof “Air Force”.

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking out the item relating to section 10508.

(8) Section 10542 is amended by striking out subsection (d).

(9) Section 12004(a) is amended by striking out “active-status” and inserting in lieu thereof “active status”.

(10) Section 12012 is amended by inserting “the” in the section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to read as follows:

``§ 12201. Reserve officers: qualifications for appointment''.

(B) The item relating to that section in the table of sections at the beginning of chapter 1205 is amended to read as follows:

``12201. Reserve officers: qualifications for appointment.''.

(12)(A) The heading for section 12209 is amended to read as follows:

``§ 12209. Officer candidates: enlisted Reserves''.

(B) The heading for section 12210 is amended to read as follows:

``§ 12210. Attending Physician to the Congress: reserve grade while so serving''.

(13)(A) The headings for sections 12211, 12212, 12213, and 12214 are amended by inserting “the” after “National Guard of”

(B) The table of sections at the beginning of chapter 1205 is amended by inserting “the” in the items relating to sections 12211, 12212, 12213, and 12214 after “National Guard of”.

(14) Section 12213(a) is amended by striking out “section 593” and inserting in lieu thereof “section 12203”.

(15) The table of sections at the beginning of chapter 1207 is amended by striking out “promotions” in the item relating to section 12243 and inserting in lieu thereof “promotion”.

(16) The table of sections at the beginning of chapter 1209 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and
(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out “Ready Reserve” in the second sentence and inserting in lieu thereof “Retired Reserve”.

(18)(A) The table of sections at the beginning of chapter 1211 is amended by inserting “the” in the items relating to sections 12401, 12402, 12403, and 12404 after “Army and Air National Guard of”.

(B) The headings for sections 12402, 12403, and 12404 are amended by inserting “the” after “Army and Air National Guard of”.

(19) Section 12407(b) is amended—

(A) by striking out “of those jurisdictions” and inserting in lieu thereof “State”; and

(B) by striking out “jurisdictions” and inserting in lieu thereof “States”.

(20) Section 12731(f) is amended by striking out “the date of the enactment of this subsection” and inserting in lieu thereof “October 5, 1994.”.

(21) Section 12731a(c)(3) is amended by inserting a comma after “Defense Conversion”.

(22) Section 14003 is amended by inserting “lists” in the section heading immediately before the colon.

(23) The table of sections at the beginning of chapter 1403 is amended by striking out “selection board” in the item relating to section 14105 and inserting in lieu thereof “promotion board”.

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out “Numbers” and inserting in lieu thereof “Number”; and

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out “a Reserve officer” and inserting in lieu thereof “a reserve officer”.

(26) Section 14317(e) is amended—

(A) by inserting “OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—” after “(e)”; and

(B) by striking out “section 10213 or 644” and inserting in lieu thereof “section 123 or 10213”.

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting “reserve” after “Marine Corps and”;

(B) in the item relating to section 14507, by inserting “reserve” after “Removal from the”;

(C) in the item relating to section 14509, by inserting “in grades” after “reserve officers”.

(28) Section 14501(a) is amended by inserting “OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—” after “(a)”.

(29) The heading for section 14506 is amended by inserting a comma after “Air Force”.

(30) Section 14508 is amended by striking out “this” after “from an active status under” in subsections (c) and (d).

(31) Section 14515 is amended by striking out “inactive status” and inserting in lieu thereof “inactive-status”.

(32) Section 14903(b) is amended by striking out “chapter” and inserting in lieu thereof “title”.
(33) The table of sections at the beginning of chapter 1606 is amended in the item relating to section 16133 by striking out “limitations” and inserting in lieu thereof “limitation”.

(34) Section 16132(c) is amended by striking out “section” and inserting in lieu thereof “sections”.

(35) Section 16135(b)(1)(A) is amended by striking out “section 1231(a)” and inserting in lieu thereof “section 16131(a)”. 

(36) Section 18236(b)(1) is amended by striking out “section 2233(e)” and inserting in lieu thereof “section 18233(e)”.

(37) Section 18237 is amended—

(A) in subsection (a), by striking out “section 2233(a)(1)” and inserting in lieu thereof “section 18233(a)(1)”; and

(B) in subsection (b), by striking out “section 2233(a)” and inserting in lieu thereof “section 18233(a)”.

(c) Other Provisions of Title 10.—Effective as of December 1, 1994 (except as otherwise expressly provided), and as if included as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacted, title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out “section 175” and inserting in lieu thereof “section 10301”.

(2) Section 114(b) is amended by striking out “chapter 133” and inserting in lieu thereof “chapter 1803”.

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out “section 673” and inserting in lieu thereof “section 12302”;

(B) in paragraph (2), by striking out “section 673b” and inserting in lieu thereof “section 12304”; and

(C) in paragraph (3), by striking out “section 3500 or 8500” and inserting in lieu thereof “section 12406”.

(4) Section 123(a) is amended—

(A) by striking out “281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352(a) (last sentence), “5414, 5457, 5458, 5506,” and “8217, 8218, 8219,”; and

(B) by striking out “and 8855” and inserting in lieu thereof “8855, 10214, 12003, 12004, 12005, 12007, 12202, 12213(a) (second sentence), 12642, 12645, 12646, 12647, 12771, 12772, and 12773.”

(5) Section 582(1) is amended by striking out “section 672(d)” in subparagraph (B) and “section 673b” in subparagraph (D) and inserting in lieu thereof “section 12301(d)” and “section 12304”, respectively.

(6) Section 641(1)(B) is amended by striking out “10501” and inserting in lieu thereof “10502, 10505, 10506(a), 10506(b), 10507”.

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1) and 1064 are amended by striking out “chapter 67” and inserting in lieu thereof “chapter 1223”.

(9) Section 1063(a)(1) is amended by striking out “section 1332(a)(2)” and inserting in lieu thereof “section 12732(a)(2)”.

(10) Section 1074b(b)(2) is amended by striking out “section 673c” and inserting in lieu thereof “section 12305”.

(11) Section 1076(b)(2)(A) is amended by striking out “before the effective date of the Reserve Officer Personnel Management Act” and inserting in lieu thereof “before December 1, 1994”.

(12) Section 1176(b) is amended by striking out “section 1332” in the matter preceding paragraph (1) and in paragraphs (1) and (2) and inserting in lieu thereof “section 12732”.

(13) Section 1208(b) is amended by striking out “section 1333” and inserting in lieu thereof “section 12733”.
(14) Section 1209 is amended by striking out “section 1332”, “section 1335”, and “chapter 71” and inserting in lieu thereof “section 12732”, “section 12735”, and “section 12739”, respectively.

(15) Section 1407 is amended—
(A) in subsection (c)(1) and (d)(1), by striking out “section 1331” and inserting in lieu thereof “section 12731”; and
(B) in the heading for paragraph (1) of subsection (d), by striking out “CHAPTER 67” and inserting in lieu thereof “CHAPTER 1223”.

(16) Section 1408(a)(5) is amended by striking out “section 1376(a)” and inserting in lieu thereof “section 12739”, respectively.

(17) Section 1431(a)(1) is amended by striking out “section 1376(a)” and inserting in lieu thereof “section 12739”. Effective date.

(18) Section 1463(a)(2) is amended by striking out “chapter 67” and inserting in lieu thereof “chapter 1223”. Effective date.

(19) Section 1482(f)(2) is amended by inserting “section” before “12731 of this title”.

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out “chapter 106 of this title” and inserting in lieu thereof “chapter 1606 of this title”.

(22) Section 2121(c) is amended by striking out “section 3353, 5600, or 8353” and inserting in lieu thereof “section 12732”, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out “section 591” and inserting in lieu thereof “section 12731”. Effective date.

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out “section 1332” and inserting in lieu thereof “section 12732”. Effective date.

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out “section 5457 or section 5458” and inserting in lieu thereof “section 12004 or section 12005”.

(28) Section 6410(a) is amended by striking out “section 1005” and inserting in lieu thereof “section 12645”.

(29) The table of sections at the beginning of chapter 837 is amended by striking out the items relating to section 8351 and 8352.

(30) Section 8360(b) is amended by striking out “section 1002” and inserting in lieu thereof “section 12642”.

(31) Section 8380 is amended by striking out “section 524” in subsections (a) and (b) and inserting in lieu thereof “section 12011”.

(32) Sections 8819(a), 8846(a), and 8846(b) are amended by striking out “sections 1005 and 1006” and inserting in lieu thereof “sections 12645 and 12646”.

(33) Section 8819 is amended by striking out “section 1005” and “section 1006” and inserting in lieu thereof “section 12645” and “section 12646”, respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

(1) Section 337(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) is amended by inserting before the period at the end the following: “or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under 10 USC 2466 note.”
section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title”.

(2) Section 525 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190, 105 Stat. 1363) is amended by striking out “section 690” and inserting in lieu thereof “section 12321”.

(3) Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 12681 note) is amended—

(A) in section 4415, by striking out “section 1331a” and inserting in lieu thereof “section 12731a”;

(B) in subsection 4416—

(i) in subsection (a), by striking out “section 1331” and inserting in lieu thereof “section 12731”;

(ii) in subsection (b)—

(I) by inserting “or section 12732” in paragraph (1) after “under that section”; and

(II) by inserting “or 12731(a)” in paragraph (2) after “section 1331(a)”;

(iii) in subsection (e)(2), by striking out “section 1332” and inserting in lieu thereof “section 12732”; and

(iv) in subsection (g), by striking out “section 1331a” and inserting in lieu thereof “section 12731a”;

and

(C) in section 4418—

(i) in subsection (a), by striking out “section 1332” and inserting in lieu thereof “section 12732”; and

(ii) in subsection (b)(1)(A), by striking out “section 1333” and inserting in lieu thereof “section 12733”.

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out “section 673c of title 10” in paragraphs (2) and (3)(A) and inserting in lieu thereof “section 12305 of title 10”; and

(B) in section 433(a), by striking out “section 687 of title 10” and inserting in lieu thereof “section 12319 of title 10”.

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out “600 of title 10” and inserting in lieu thereof “12209 of title 10”; and

(B) in section 741(c), by striking out “section 1006 of title 10” and inserting in lieu thereof “section 12646 of title 10”.

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out “section 672, 673, 673b, 674, or 675 of title 10” and inserting in lieu thereof “section 12301, 12302, 12304, 12306, or 12307 of title 10”;

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out “section 268(b) of title 10” and inserting in lieu thereof “section 10143(a) of title 10”;

(C) in section 3501(a)(3)(C), by striking out “section 511(d) of title 10” and inserting in lieu thereof “section 12103(d) of title 10”; and

(D) in section 4211(4)(C), by striking out “section 672(a), (d), or (g), 673, or 673b of title 10” and inserting in lieu thereof “section 12301(a), (d), or (g), 12302, or 12304 of title 10”.

(3) Section 702(a)(1) of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out “section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10” and inserting in lieu thereof “section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10”; and
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(B) by striking out “section 672(d) of such title” and inserting in lieu thereof “section 12301(d) of such title”.


(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out “section 216(a) of title 5” and inserting in lieu thereof “section 10101 of title 10”.

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549), 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act).

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994.

SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(5)(B), 2432(c)(2), 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 4342(g), 7307(b)(1)(A), and 9342(g) are amended by striking out “Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and House of Representatives”.

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), and 18236(a) are amended by striking out “Committees on Armed Services and the House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(3) Section 113(j)(1) is amended by striking out “Committees on Armed Services and Committees on Appropriations of the Senate and” and inserting in lieu thereof “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and Appropriations of the House of Representatives”.

(4) Section 119(g) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

“(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

“(2) the Committee on National Security and the Committee on Appropriations, and the National Security Subcommittee of the Committee on Appropriations, of the House of Representatives.”.

(5) Section 127(c) is amended by striking out “Committees on Armed Services and Appropriations of the Senate and” and inserting in lieu thereof “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.
(6) Section 135(e) is amended—
   (A) by inserting ``(1)'' after ``(e)'';
   (B) by striking out “the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each” and inserting in lieu thereof “each congressional committee specified in paragraph (2) is”; and
   (C) by adding at the end the following:
   “(2) The committees referred to in paragraph (1) are—
   “(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
   “(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(7) Section 179(e) is amended by striking out “to the Committees on Armed Services and Appropriations of the Senate and” and inserting in lieu thereof “to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the”.

(8) Sections 401(d) and 402(d) are amended by striking out “submit to the” and all that follows through “Foreign Affairs” and inserting in lieu thereof “submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations”.

(9) Section 2367(d)(2) is amended by striking out “the Committees on Armed Services and the Committees on Appropriations of the Senate and” and inserting in lieu thereof “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the”.

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out “the Committees on Armed Services and on Appropriations of the Senate and” and inserting in lieu thereof “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the”.

(11) Section 1599(e)(2) is amended—
   (A) in subparagraph (A), by striking out “The Committees on Armed Services and Appropriations” and inserting in lieu thereof “The Committee on National Security, the Committee on Appropriations,”; and
   (B) in subparagraph (B), by striking out “The Committees on Armed Services and Appropriations” and inserting in lieu thereof “The Committee on Armed Services, the Committee on Appropriations.”.

(12) Sections 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out “Armed Services” and inserting in lieu thereof “National Security”.

(13) Section 1060(d) is amended by striking out “Committee on Armed Services and the Committee on Foreign Affairs” and inserting in lieu thereof “Committee on National Security and the Committee on International Relations”.

(14) Section 2215 is amended—
   (A) by inserting “(a) Certification Required.—” at the beginning of the text of the section;
   (B) by striking out “to the Committees” and all that follows through “House of Representatives” and inserting in lieu thereof “to the congressional committees specified in subsection (b)”;
   (C) by adding at the end the following:
   “(b) Congressional Committees.—The committees referred to in subsection (a) are—
“(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(15) Section 2218 is amended—
(A) in subsection (j), by striking out “the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives” and inserting in lieu thereof “the congressional defense committees”; and
(B) by adding at the end of subsection (k) the following new paragraph:
“(4) The term ‘congressional defense committees’ means—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(16) Section 2342(b) is amended—
(A) in the matter preceding paragraph (1), by striking out “section—” and inserting in lieu thereof “section unless—”;
(B) in paragraph (1), by striking out “unless”;
(C) in paragraph (2), by striking out “notifies the” and all that follows through “House of Representatives” and inserting in lieu thereof “the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation”.

(17) Section 2350a(f)(2) is amended by striking out “submit to the Committees” and all that follows through “House of Representatives” and inserting in lieu thereof “the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation”.

(18) Section 2366 is amended—
(A) in subsection (d), by striking out “the Committees on Armed Services and on Appropriations of the Senate and House of Representatives” and inserting in lieu thereof “the congressional defense committees”; and
(B) by adding at the end of subsection (e) the following new paragraph:
“(7) The term ‘congressional defense committees’ means—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(19) Section 2399(h)(2) is amended by striking out “means” and all the follows and inserting in lieu thereof the following: ”means—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(20) Section 2401(b)(1) is amended—
(A) in subparagraph (B), by striking out “the Committees on Armed Services and on Appropriations of the Senate and” and inserting in lieu thereof “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committees on Appropriations of the”; and
(B) in subparagraph (C), by striking out “the Committees on Armed Services and on Appropriations of the Senate and House of Representatives” and inserting in lieu thereof “those committees”.

(21) Section 2403(e) is amended—
(A) by inserting “(1)” before “Before making”;
(B) by striking out “shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives” and inserting in lieu thereof “shall submit to the congressional committees specified in paragraph (2) notice”; and
(C) by adding at the end the following new paragraph:
“(2) The committees referred to in paragraph (1) are—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(22) Section 2515(d) is amended—
(A) by striking out “REPORTING” and all that follows through “same time” and inserting in lieu thereof “ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time”; and
(B) by adding at the end the following new paragraph:
“(2) The committees referred to in paragraph (1) are—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
“(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(23) Section 2662 is amended—
(A) in subsection (a)—
(i) in the matter preceding paragraph (1), by striking out “the Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”; and
(ii) in the matter following paragraph (6), by striking out “to be submitted to the Committees on Armed Services of the Senate and House of Representatives”;
(B) in subsection (b), by striking out “shall report annually to the Committees on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “shall submit annually to the congressional committees named in subsection (a) a report”;
(C) in subsection (e), by striking out “the Committees on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “the congressional committees named in subsection (a)”;
(D) in subsection (f), by striking out “the Committees on Armed Services of the Senate and the House of Representatives shall” and inserting in lieu thereof “the congressional committees named in subsection (a) shall”.

(24) Section 2674(a) is amended—
(A) in paragraph (2), by striking out “Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives” and inserting in lieu thereof “congressional committees specified in paragraph (3)”; and
(B) by adding at the end the following new paragraph:
“(3) The committees referred to in paragraph (2) are—
"(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

"(B) the Committee on National Security and the Committee on Transportation and Infrastructure of the House of Representatives."

(25) Section 2813(c) is amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(26) Sections 2825(b)(1) and 2832(b)(2) are amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(27) Section 2865(e)(2) and 2866(c)(2) are amended by striking out "Committees on Armed Services and Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(28)(A) Section 7434 of such title is amended to read as follows:

§ 7434. Annual report to congressional committees

"Not later than October 31 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the production from the naval petroleum reserves during the preceding calendar year."

(B) The item relating to such section in the table of contents at the beginning of chapter 641 is amended to read as follows:

"7434. Annual report to congressional committees."

(b) Title 37, United States Code.—Sections 301b(i)(2) and 406(i) of title 37, United States Code, are amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(c) Annual Defense Authorization Acts.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in sections 2922(b) and 2925(b) (10 U.S.C. 2687 note) by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended—

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and section 1304(a) (10 U.S.C. 113 note), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out "the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce".

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out "the Committees on Armed Services and Foreign Affairs" and inserting in lieu thereof "the Committee on National Security and the Committee on International Relations".
(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out “Committees on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(B) Section 1403 (50 U.S.C. 404b) is amended—

(i) in subsection (a), by striking out “the Committees on” and all that follows through “each year” and inserting in lieu thereof “the congressional committees specified in subsection (d) each year”; and

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

“(d) Specified Congressional Committees.—The congressional committees referred to in subsection (a) are the following:

“(1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

“(2) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(C) Section 1457 (50 U.S.C. 404c) is amended—

(i) in subsection (a), by striking out “shall submit to the” and all that follows through “each year” and inserting in lieu thereof “shall submit to the congressional committees specified in subsection (d) each year”;

(ii) in subsection (c)—

(I) by striking out “(1) Except as provided in paragraph (2), the President” and inserting in lieu thereof “The President”; and

(II) by striking out paragraph (2); and

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

“(d) Specified Congressional Committees.—The congressional committees referred to in subsection (a) are the following:

“(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

“(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.”.

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) by striking out “the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees” and inserting in lieu thereof “the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee”;

(ii) in subsection (g)(2), by striking out “the Committee on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 37 U.S.C. 302 note), is amended by striking out “the Committees on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out “the Committees on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives”.


(A) in subsection (d), by striking out “Committees on Appropriations and on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives”; and

(B) in subsection (e), by striking out “Committees on Appropriations and on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “congressional committees specified in subsection (d)”.

(d) Base Closure Law.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out “Armed Services” the first place it appears and inserting in lieu thereof “National Security”.

(2) Section 2910(2) is amended by striking out “the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives” and inserting in lieu thereof “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives”.

(e) National Defense Stockpile.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out “Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”; and

(B) in paragraph (2), by striking out “the Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “such congressional committees”; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out “Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(f) Other Defense–Related Provisions.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out “Committees on Appropriations and Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives”.

(2) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note),
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is amended by striking out “the Committees on Appropriations and Armed Services of the House of Representatives and the Senate” and inserting in lieu thereof “the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives”.

(3) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out “Committees on Appropriations and on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives”.

(4) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out “Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives” and inserting in lieu thereof “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives”.

(5) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out “Committees on Armed Services of the Senate and House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

(6) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out “Committees on Armed Services and Government Operations” and inserting in lieu thereof “Committee on National Security and the Committee on Government Reform and Oversight”;

(B) in subsection (b)(4), by striking out “Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives” and inserting in lieu thereof “congressional committees specified in paragraph (3)”;

(C) in subsection (f)(1), by striking out “Committees on Armed Services and Government Operations” and inserting in lieu thereof “Committee on National Security and the Committee on Government Reform and Oversight”;

and

(D) in subsection (f)(2), by striking out “Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives” and inserting in lieu thereof “congressional committees specified in paragraph (1)”.

(7) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out “Committees on Armed Services of the Senate and of the House of Representatives” and inserting in lieu thereof “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives”.

SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code, is amended as follows:
(1) Section 113(i)(2)(B) is amended by striking out “the five years covered” and all that follows through “section 114(g)” and inserting in lieu thereof “the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221”.

(2) Section 136(c) is amended by striking out “Comptroller” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(3) Section 526 is amended—
(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:
“(1) For the Army, 302.
“(2) For the Navy, 216.
“(3) For the Air Force, 279.”;
(B) by striking out subsection (b);
(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);
(D) in subsection (b), as so redesignated, by striking out “that are applicable on and after October 1, 1995”; and
(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—
(i) by striking out “the” after “in the”;
(ii) by inserting “to” after “reserve component, or”;
and
(iii) by inserting “than” after “in a grade other”.

(4) Section 528(a) is amended by striking out “after September 30, 1995.”.

(5) Section 573(a)(2) is amended by striking out “active-duty list” and inserting in lieu thereof “active-duty list”.

(6) Section 661(d)(2) is amended—
(A) in subparagraph (B), by striking out “Until January 1, 1994” and all that follows through “each position so designated” and inserting in lieu thereof “Each position designated by the Secretary under subparagraph (A)”;
(B) in subparagraph (C), by striking out “the second sentence of”; and
(C) by striking out subparagraph (D).

(7) Section 706(c)(1) is amended by striking out “section 4301 of title 38” and inserting in lieu thereof “chapter 43 of title 38”.

(8) Section 1059 is amended by striking out “subsection (j)” in subsections (c)(2) and (g)(3) and inserting in lieu thereof “subsection (k)”.

(9) Section 1060a(f)(2)(B) is amended by striking out “(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))” and inserting in lieu thereof “as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)”.

(10) Section 1151 is amended—
(A) in subsection (b), by striking out “(20 U.S.C. 2701 et seq.)” in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof “(20 U.S.C. 6301 et seq.)”; and
(B) in subsection (e)(1)(B), by striking out “not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995” and inserting in lieu thereof “not later than October 5, 1995”.

(11) Section 1152(g)(2) is amended by striking out “not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995” and inserting in lieu thereof “not later than April 3, 1994.”.

(12) Section 1177(b)(2) is amended by striking out “provision of law” and inserting in lieu thereof “provision of law”.

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(13) The heading for chapter 67 is amended by striking out “NONREGULAR” and inserting in lieu thereof “NON-REGULAR”.

(14) Section 1598(a)(2)(A) is amended by striking out “2701” and inserting in lieu thereof “6301”.

(15) Section 1745(a) is amended by striking out “section 4107(d)” both places it appears and inserting in lieu thereof “section 4107(b)”.

(16) Section 1746(a) is amended—
(A) by striking out “(1)” before “The Secretary of Defense”; and
(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(17) Section 2006(b)(2)(B)(ii) is amended by striking out “section 1412 of such title” and inserting in lieu thereof “section 3012 of such title”.

(18) Section 2011(a) is amended by striking out “to” and inserting in lieu thereof “To”.

(19) Section 2194(e) is amended by striking out “(20 U.S.C. 2891(12))” and inserting in lieu thereof “(20 U.S.C. 8801)”.

(20) Sections 2217(b) and 2220(a)(2) are amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(21) Section 2401(c)(2) is amended by striking out “pursuant to” and all that follows through “September 24, 1983.”.

(22) Section 2410(b) is amended by striking out “For purposes of” and inserting in lieu thereof “in”.

(23) Section 2410(a)(2)(A) is amended by striking out “2701” and inserting in lieu thereof “6301”.

(24) Section 2457(e) is amended by striking out “title III of the Act of March 3, 1933 (41 U.S.C. 10a),” and inserting in lieu thereof “the Buy American Act (41 U.S.C. 10a)”.

(25) Section 2465(b)(3) is amended by striking out “under contract” and all that follows through the period and inserting in lieu thereof “under contract on September 24, 1983.”.

(26) Section 2471(b) is amended—
(A) in paragraph (2), by inserting “by” after “as determined”;
and
(B) in paragraph (3), by inserting “of” after “arising out”.

(27) Section 2524(e)(4)(B) is amended by inserting a comma before “with respect to”.

(28) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(29) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(30) Section 2534(e)(4) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading.

(31) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) Other Subtitles.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(2) Section 6241 is amended by inserting “or” at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after “section 1405” in formula C in the table under the column designated “Column 2”.
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SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

(1) Section 322(1) (108 Stat. 2711) is amended by striking out “SERVICE” in both sets of quoted matter and inserting in lieu thereof “SERVICES”.

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting “item relating to section 1034 in the” after “The”.

(3) Section 541(c)(1) is amended—
(A) in subparagraph (B), by inserting a comma after “chief warrant officer”; and
(B) in the matter after subparagraph (C), by striking out “this”.

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out “revaluated” and inserting in lieu thereof “reevaluated”.

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out “National Academy of Science” and inserting in lieu thereof “National Academy of Sciences”.

(6) Section 904(d) (108 Stat. 2827) is amended by striking out “subsection (c)” the first place it appears and inserting in lieu thereof “subsection (b)”.

(7) Section 1202 (108 Stat. 2882) is amended—
(A) by striking out “(title XII of Public Law 103–60” and inserting in lieu thereof “(title XII of Public Law 103–160”;
(B) in paragraph (2), by inserting “in the first sentence” before “and inserting in lieu thereof”,

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out “adding at the end” and inserting in lieu thereof “inserting after the item relating to section 123a”.

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out “above paragraph (1)” both places it appears and inserting in lieu thereof “preceding subparagraph (A)”.

(b) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after “Not later than April 30 of each year”;

(2) in paragraph (4), by striking out “contributes” and inserting in lieu thereof “contribute”; and

(3) in paragraph (5), by striking out “is” and inserting in lieu thereof “are”.

(c) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 note) is amended by inserting “report” after “each”.

(2) Section 3163(1)(E) is amended by striking out “paragraphs (1) through (4)” and inserting in lieu thereof “subparagraphs (A) through (D)”.

Effective date. 10 USC 2701 note.
10 USC 2701.
10 USC 571 note.
10 USC 1074 note.
10 USC 1074 note.
10 USC 10501 note.
22 USC 5956.
10 USC 123b.
10 USC 2687 note.
42 USC 7247j.
(3) Section 4403(a) (10 U.S.C. 1293 note) is amended by striking out “through 1995” and inserting in lieu thereof “through fiscal year 1999”.

(d) Public Law 102–190.—Section 1097(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1490) is amended by striking out “the Federal Republic of Germany, France” and inserting in lieu thereof “France, Germany”.

SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.

(a) Officer Personnel Act of 1947.—Section 437 of the Officer Personnel Act of 1947 is repealed.

(b) Title 5, United States Code.—Title 5, United States Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out “903(3)” and inserting in lieu thereof “903(a)”;

(B) in subsection (c)(1), by inserting “section” before “39(b)”;

and

(C) in subsection (d), by striking out “(33 U.S.C. 18 and 21, respectively)” and inserting in lieu thereof “(33 U.S.C. 918 and 921)”;

(2) in sections 8172 and 8173, by striking out “(33 U.S.C. 2(2))” and inserting in lieu thereof “(33 U.S.C. 902(2))”;

and

(3) in section 8339(d)(7), by striking out “Court of Military Appeals” and inserting in lieu thereof “Court of Appeals for the Armed Forces”.

(c) Public Law 90–485.—Effective as of August 13, 1968, and as if included therein as originally enacted, section 1(6) of Public Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after the end of clause (4) of the matter inserted by the amendment made by that section; and

(2) by adding close quotation marks at the end.

(d) Title 37, United States Code.—Section 406(b)(1)(E) of Title 37, United States Code, is amended by striking out “of this paragraph”.


(A) in section 2905(b)(1)(C), by striking out “of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))” and inserting in lieu thereof “to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code”;

(B) in section 2906(d)(1), by striking out “section 204(b)(4)(C)” and inserting in lieu thereof “section 204(b)(7)(C)”;

and

(C) in section 2910—

(i) by designating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(ii) in such paragraph, as so designated, by striking out “section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))” and inserting in lieu thereof “section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))”.

(2) Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out “section 204(b)(4)(C)” and inserting in lieu thereof “section 204(b)(7)(C)”.
(3) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in subsection (b)(1)(C), by striking out “of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))” and inserting in lieu thereof “to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code”; and

(B) in subsection (b)(7)(A)(i), by striking out “paragraph (3)” and inserting in lieu thereof “paragraphs (3) through (6)”.

PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended—

(1) by striking out “(A)” after “(5)”; and

(2) by striking out “clause” in subparagraph (B)(iv) and inserting in lieu thereof “clauses”.

ATOMIC ENERGY ACT.—Section 123a. of the Atomic Energy Act (42 U.S.C. 2153a) is amended by striking out “144b., or 144d.” and inserting “, 144b., or 144d.”.

SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SEC. 1601. SHORT TITLE.

This title may be cited as the “Corporation for the Promotion of Rifle Practice and Firearms Safety Act”.

Subtitle A— Establishment and Operation of Corporation

SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

(a) Establishment.—There is established a private, nonprofit corporation to be known as the “Corporation for the Promotion of Rifle Practice and Firearms Safety” (in this title referred to as the “Corporation”).

(b) Private, Nonprofit Status.—(1) The Corporation shall not be considered to be a department, agency, or instrumentality of the Federal Government. An officer or employee of the Corporation shall not be considered to be an officer or employee of the Federal Government.

(2) The Corporation shall be operated in a manner and for purposes that qualify the Corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code.

(c) Board of Directors.—(1) The Corporation shall have a Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt bylaws, policies, and procedures for the Corporation and may take any other action that the Board of Directors considers necessary for the management and operation of the Corporation.

(3) Each member of the Board of Directors shall serve for a term of two years. Members of the Board of Directors are eligible for reappointment.
(4) A vacancy on the Board of Directors shall be filled by a majority vote of the remaining members of the Board.

(5) The Secretary of the Army shall appoint the initial Board of Directors. Four of the members of the initial Board of Directors, to be designated by the Secretary at the time of appointment, shall (notwithstanding paragraph (3)) serve for a term of one year.

(d) DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The Board of Directors shall appoint an individual to serve as the Director of Civilian Marksmanship.

(2) The Director shall be responsible for the performance of the daily operations of the Corporation and the functions described in section 1612.

SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) FUNCTIONS.—The Corporation shall have responsibility for the overall supervision, oversight, and control of the Civilian Marksmanship Program, pursuant to the transfer of the program under subsection (d), including the performance of the following:

(1) The instruction of citizens of the United States in marksmanship.

(2) The promotion of practice and safety in the use of firearms, including the conduct of matches and competitions in the use of those firearms.

(3) The award to competitors of trophies, prizes, badges, and other insignia.

(4) The provision of security and accountability for all firearms, ammunition, and other equipment under the custody and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, supplies, and appliances under section 1614.

(6) The procurement of necessary supplies, appliances, clerical services, other related services, and labor to carry out the Civilian Marksmanship Program.

(b) PRIORITY FOR YOUTH ACTIVITIES.—In carrying out the Civilian Marksmanship Program, the Corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

(c) ACCESS TO SURPLUS PROPERTY.—(1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM TO CORPORATION.—(1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

(a) CERTIFICATION REQUIREMENT.—(1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.
(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) INELIGIBILITY RESULTING FROM CERTAIN CONVICTIONS.—A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) AUTHORITY TO LIMIT PARTICIPATION.—The Director of Civilian Marksmanship may limit participation as necessary to ensure—

(1) quality instruction in the use of firearms;
(2) the safety of participants; and
(3) the security of firearms, ammunition, and equipment.

SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

(a) ISSUANCE AND LOAN.—For purposes of training and competition, the Corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.
(2) The Boy Scouts of America.
(3) 4-H Clubs.
(4) Future Farmers of America.
(5) Other youth-oriented organizations.

(b) SALES.—(1) The Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, repair parts, and accouterments to organizations affiliated with the Corporation that provide training in the use of firearms.

(2) Subject to subsection (e), the Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, ammunition, targets, repair parts and accouterments, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club affiliated with the Corporation. In addition to any other requirement, the Corporation shall establish procedures to obtain a criminal records check of the person with appropriate Federal and State law enforcement agencies.

(c) LIMITATIONS ON SALES.—(1) The Corporation may not offer for sale any repair part designed to convert any firearm to fire in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program to a person who has been convicted of a felony or a violation of section 922 of title 18, United States Code.

(d) OVERSIGHT AND ACCOUNTABILITY.—The Corporation shall be responsible for ensuring adequate oversight and accountability of all firearms issued or loaned under this section. The Corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with Federal, State, and local laws.

(e) APPLICABILITY OF OTHER LAW.—(1) Subject to paragraph (2), sales under subsection (b)(2) are subject to applicable Federal, State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of title 18, United States Code, do not apply to the shipment, transpor-
transit, receipt, transfer, sale, issuance, loan, or delivery by the Corporation of any item that the Corporation is authorized to issue, loan, sell, or receive under this title.

36 USC 5505.

SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM THE ARMY TO THE CORPORATION.

(a) Transfers Required.—The Secretary of the Army shall, in accordance with subsection (b), transfer to the Corporation all firearms and ammunition that on the day before the date of the enactment of this Act are under the control of the Director of the Civilian Marksmanship Program, including—

(1) all firearms on loan to affiliated clubs and State associations;
(2) all firearms in the possession of the Civilian Marksmanship Support Detachment; and
(3) all M-1 Garand and caliber .22 rimfire rifles stored at Anniston Army Depot, Anniston, Alabama.

(b) Time for Transfer.—The Secretary shall transfer firearms and ammunition under subsection (a) as and when necessary to enable the Corporation—

(1) to issue or loan such items in accordance with section 1614(a); or
(2) to sell such items to purchasers in accordance with section 1614(b).

(c) Parts.—The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) Vesting of Title in Transferred Items.—Title to an item transferred to the Corporation under this section shall vest in the Corporation—

(1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or
(2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) Costs of Transfers.—Any transfer of firearms, ammunition, or parts to the Corporation under this section shall be made without cost to the Corporation, except that the Corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

36 USC 5506.

SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

(a) Reservation of Firearms and Ammunition.—The Secretary of the Army shall reserve for the Corporation the following:

(1) All firearms referred to in section 1615(a).
(2) Ammunition for such firearms.
(3) All M-16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.
(4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) Storage of Firearms and Ammunition.—Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) Limitation on Demilitarization of M-1 Rifles.—After the date of the enactment of this Act, the Secretary may not demilitarize any M-1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.
(d) **EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.**—The requirement specified in subsection (a) does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

**SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.**

(a) **LOGISTICAL SUPPORT.**—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) **RESERVE COMPONENT PERSONNEL.**—The Secretary shall provide, without cost to the Corporation, for the use of members of the National Guard and Army Reserve to support the National Matches as part of the performance of annual training pursuant to titles 10 and 32, United States Code.

(c) **USE OF DEPARTMENT OF DEFENSE FACILITIES FOR NATIONAL MATCHES.**—The National Matches may continue to be held at those Department of Defense facilities at which the National Matches were held before the date of the enactment of this Act.

(d) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.

**SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.**

(a) **DONATIONS AND FEES.**—(1) The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation to carry out the Civilian Marksmanship Program.

(3) Amounts collected by the Corporation under the authority of this subsection, including the proceeds from the sale of firearms, ammunition, targets, and other supplies and appliances, may be used only to support the Civilian Marksmanship Program.

(b) **CORPORATE SEAL.**—The Corporation may adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) **CONTRACTS.**—The Corporation may enter into contracts, leases, agreements, or other transactions.

(d) **OBLIGATIONS AND EXPENDITURES.**—The Corporation may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid and may incur, allow, and pay such obligations and expenditures.

(e) **RELATED AUTHORITY.**—The Corporation may take such other actions as are necessary or appropriate to carry out the authority provided in this section.

**SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.**

(a) **DISTRIBUTION.**—If the Corporation dissolves, then—

(1) upon the dissolution of the Corporation, title to all firearms stored at Anniston Army Depot, Anniston, Alabama, on the date of the dissolution, all M-16 rifles that are transferred to the Corporation under section 1615(a)(2), that are referred to in section 1616(a)(3), or that are otherwise under the control of the Corporation, and all trophies received by the Corporation from the National Board for the Promotion of Rifle Practice as of such date, shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items;

(2) assets of the Corporation, other than assets described in paragraph (1), may be distributed by the Corporation to an organization that—
(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code; and
(B) performs functions similar to the functions described in section 1612(a); and
(3) all assets of the Corporation that are not distributed pursuant to paragraphs (1) and (2) shall be sold, and the proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION.—Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

Subtitle B—Transitional Provisions

SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

(a) FUNDS.—(1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation—
(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and
(B) all funds that are in the nonappropriated fund account known as the National Match Fund.
(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.
(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY.—The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:
(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).
(2) Title to property under the control of the National Match Fund on such day.
(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES.—The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS.—Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) CONTINUATION OF ELIGIBILITY.—Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 1612(d) may, if the employee becomes employed by the Corporation, continue to be
eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

(b) **Regulations.**—The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a).

**SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSITION.**

(a) **Certification Requirement.**—Upon completion of the appointment of the Board of Directors for the Corporation under section 1611(c)(5) and of the transition required under section 1612(d), the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification of the completion of such actions.

(b) **Publication of Certification.**—The Secretary shall take such actions as are necessary to ensure that the certification is published in the Federal Register promptly after the submission of the certification under subsection (a).

**SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM BY THE ARMY.**

(a) **Repeals.**—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

(b) **Conforming Amendments.**—(1) Section 4313 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) in subsection (a)—

(i) by striking out “(a) Junior Competitors.—” and inserting in lieu thereof “(a) Allowances for Participation of Junior Competitors.—”;

(ii) in paragraph (3), by striking out “(3) For the purposes of this subsection and inserting in lieu thereof “(b) Junior Competitor Defined.—For the purposes of subsection (a)”.

(2) Section 4316 of such title is amended by striking out “, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,”.

(3) Section 925(a)(2)(A) of title 18, United States Code, is amended by inserting after “section 4308 of title 10” the following: “before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act”.

(c) **Effective Date.**—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623; or

(2) October 1, 1996.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 1996”.
SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$5,900,000</td>
</tr>
<tr>
<td></td>
<td>Redstone Arsenal</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Presidio of San Francisco</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$30,850,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Fort McNair</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$37,900,000</td>
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<tr>
<td></td>
<td>Fort Gordon</td>
<td>$5,750,000</td>
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<tr>
<td></td>
<td>Fort Stewart</td>
<td>$8,400,000</td>
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<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
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</tr>
<tr>
<td></td>
<td>Fort Knox</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>$2,050,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$8,800,000</td>
</tr>
<tr>
<td></td>
<td>United States Military Academy</td>
<td>$8,300,000</td>
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<tr>
<td></td>
<td>Watervliet Arsenal</td>
<td>$680,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$29,700,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$14,300,000</td>
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<tr>
<td>South Carolina</td>
<td>Naval Weapons Station, Charleston</td>
<td>$25,700,000</td>
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<tr>
<td></td>
<td>Fort Jackson</td>
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<tr>
<td>Texas</td>
<td>Fort Hood</td>
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<td>Fort Bliss</td>
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<td>Fort Sam Houston</td>
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<td>Virginia</td>
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<td>Washington</td>
<td>Fort Lewis</td>
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<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$1,900,000</td>
</tr>
<tr>
<td></td>
<td>Total:</td>
<td>$478,230,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Camp Casey</td>
<td>$4,150,000</td>
</tr>
<tr>
<td></td>
<td>Camp Hovey</td>
<td>$13,500,000</td>
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<tr>
<td></td>
<td>Camp Pelham</td>
<td>$5,600,000</td>
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<tr>
<td></td>
<td>Camp Stanley</td>
<td>$6,800,000</td>
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<td></td>
<td>Yongsan</td>
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<td>Overseas Classified</td>
<td>Classified Location</td>
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<tr>
<td>Worldwide</td>
<td>Host Nation Support</td>
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<tr>
<td></td>
<td>Total:</td>
<td>$102,550,000</td>
</tr>
</tbody>
</table>
SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>150 units</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>United States Military Academy, West Point</td>
<td>119 units</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>135 units</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>84 units</td>
<td>$10,800,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$65,800,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $48,856,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,147,427,000 as follows:

1. For military construction projects inside the United States authorized by section 2101(a), $478,230,000.
2. For military construction projects outside the United States authorized by section 2101(b), $102,550,000.
3. For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.
4. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,194,000.
5. For military family housing functions:
   A. For construction and acquisition, planning and design, and improvements of military family housing and facilities, $116,656,000.
   B. For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,337,596,000.
6. For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).
(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Air-Ground Combat Center, Twentynine Palms</td>
<td>$2,490,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$27,584,000</td>
</tr>
<tr>
<td></td>
<td>Naval Command, Control, and Ocean Surveillance Center, San Diego</td>
<td>$3,170,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$7,600,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$99,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center Weapons Division, China Lake</td>
<td>$3,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center Weapons Division, Point Mugu</td>
<td>$1,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Construction Battalion Center, Port Hueneme</td>
<td>$16,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval School Explosive Ordnance Disposal, Eglin Air Force Base</td>
<td>$16,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Technical Training Center, Corry Station, Pensacola</td>
<td>$2,565,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Strategic Weapons Facility, Atlantic, Kings Bay</td>
<td>$2,450,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Honolulu Naval Computer and Telecommunications Area, Master Station, Eastern Pacific</td>
<td>$1,980,000</td>
</tr>
<tr>
<td></td>
<td>Intelligence Center Pacific, Pearl Harbor</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, Pearl Harbor</td>
<td>$22,500,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Training Center, Great Lakes</td>
<td>$12,440,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Crane Naval Surface Warfare Center</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Academy, Annapolis</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Warfare Center Aircraft Division, Lakehurst</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$11,430,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$14,650,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$59,300,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia Naval Shipyard</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Air Station, Beaufort</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christi</td>
<td>$4,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Kingsville</td>
<td>$2,710,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Ingleside</td>
<td>$2,640,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fleet and Industrial Supply Center, Williamsburg</td>
<td>$8,390,000</td>
</tr>
<tr>
<td></td>
<td>Henderson Hall, Arlington</td>
<td>$1,900,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Combat Development Command, Quantico</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Hospital, Portsmouth</td>
<td>$9,500,000</td>
</tr>
</tbody>
</table>
Navy: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>Naval Station, Norfolk ..................................</td>
<td>$10,580,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Yorktown</td>
<td>$1,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Undersea Warfare Center Division, Keyport</td>
<td>$5,300,000</td>
</tr>
<tr>
<td></td>
<td>Puget Sound Naval Shipyard, Bremerton</td>
<td>$19,870,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Naval Security Group Detachment</td>
<td>$7,200,000</td>
</tr>
<tr>
<td></td>
<td>Classified Locations</td>
<td>$1,200,000</td>
</tr>
</tbody>
</table>

Total: $435,409,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Computer and Telecommunications Area, Master Station Western Pacific...</td>
<td>$2,250,000</td>
</tr>
<tr>
<td></td>
<td>Navy Public Works Center, Guam</td>
<td>$16,180,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Sigonella</td>
<td>$12,170,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity, Naples</td>
<td>$24,950,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Naval Security Group Activity, Sabana Seca</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Roosevelt Roads</td>
<td>$11,500,000</td>
</tr>
</tbody>
</table>

Total: $69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>138 units</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>Community Center.</td>
<td>$1,438,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>Housing Office.</td>
<td>$707,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>240 units</td>
<td>$34,900,000</td>
</tr>
<tr>
<td></td>
<td>Pacific Missile Test Center, Point Mugu</td>
<td>Housing Office.</td>
<td>$1,020,000</td>
</tr>
<tr>
<td></td>
<td>Public Works Center, San Diego</td>
<td>346 units</td>
<td>$49,310,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>252 units</td>
<td>$48,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Complex, Oahu</td>
<td>346 units</td>
<td>$49,310,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Air Test Center, Patuxent River</td>
<td>Warehouse</td>
<td>$890,000</td>
</tr>
<tr>
<td></td>
<td>US Naval Academy, Annapolis</td>
<td>Housing Office.</td>
<td>$800,000</td>
</tr>
</tbody>
</table>
Navy: Family Housing—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>Community Center.</td>
<td>$1,003,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Navy Ships Parts Control Center, Mechanicsburg</td>
<td>Housing Office.</td>
<td>$300,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Naval Station, Roosevelt Roads</td>
<td>Housing Office.</td>
<td>$710,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Surface Warfare Center, Dahlgren</td>
<td>Housing Office.</td>
<td>$520,000</td>
</tr>
<tr>
<td></td>
<td>Public Works Center, Norfolk</td>
<td></td>
<td>$42,500,000</td>
</tr>
<tr>
<td></td>
<td>Public Works Center, Norfolk</td>
<td>Housing Office.</td>
<td>$1,390,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Security Group Naval Detachment, Sugar Grove</td>
<td>23 units.</td>
<td>$3,590,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total:</td>
<td>$207,478,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $290,831,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,119,317,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $427,709,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,515,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $522,699,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,048,329,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed:

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $7,700,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quar-
 ters at the Naval Construction Battalion Center, Port Hueneme, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION OF APPROPRIATIONS TO CLARIFY AVAILABILITY OF FUNDS FOR LARGE ANECHOIC CHAMBER FACILITY, PATUXENT RIVER NAVAL WARFARE CENTER, MARYLAND.

Section 2204(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3033) is amended—

(1) in the matter preceding paragraph (1), by striking out “$1,591,824,000” and inserting in lieu thereof “$1,601,824,000”; and

(2) by adding at the end the following:

“(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.”.

SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION PROJECT, HAMPTON ROADS, VIRGINIA.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended—

(1) in the item relating to Damneck, Fleet Combat Training Center, Virginia, by striking out “$19,427,000” in the amount column and inserting in lieu thereof “$14,927,000”; and

(2) by inserting after the item relating to Damneck, Fleet Combat Training Center, Virginia, the following new item:

| Hampton Roads | $4,500,000 |

SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) AUTHORITY TO ACQUIRE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including an abandoned mausoleum, consisting of approximately 0.75 acres and located in Arlington, Virginia, the site of Henderson Hall.

(b) DEMOLITION OF MAUSOLEUM.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may—

(1) demolish the mausoleum located on the parcel acquired under subsection (a); and

(2) provide for the removal and disposition in an appropriate manner of the remains contained in the mausoleum.

(c) AUTHORITY TO DESIGN PUBLIC WORKS FACILITY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may obtain architectural and engineering services and construction design for a warehouse and office facility for the Marine Corps to be constructed on the property acquired under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory...
to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY FAMILY HOUSING IN VICINITY OF SAN DIEGO, CALIFORNIA.**

(a) **AUTHORITY TO USE LITIGATION PROCEEDS.**—Upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82-0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. At the request of the Secretary of the Navy, the Secretary of the Treasury shall make available amounts in the account to the Secretary of the Navy solely for the acquisition or construction of military family housing, including the acquisition of land necessary for such acquisition or construction, for members of the Armed Forces and their dependents stationed in, or in the vicinity of, San Diego, California. In using amounts in the account, the Secretary of the Navy may use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801 of this Act.

(b) **UNITS AUTHORIZED.**—Not more than 150 military family housing units may be acquired or constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any other units of military family housing authorized to be acquired or constructed in, or in the vicinity of, San Diego, California.

(c) **PAYMENT OF EXCESS INTO TREASURY.**—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) **LIMITATION.**—The Secretary may not enter into any contract for the acquisition or construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the congressional defense committees a report containing the details of such contract.


**TITLE XXIII—AIR FORCE**

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the project described in section 2304(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$5,200,000</td>
</tr>
</tbody>
</table>
### Air Force: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$7,850,000</td>
</tr>
<tr>
<td></td>
<td>Elmendorf Air Force Base</td>
<td>$9,100,000</td>
</tr>
<tr>
<td></td>
<td>Tin City Long Range RADAR Site</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$4,800,000</td>
</tr>
<tr>
<td></td>
<td>Luke Air Force Base</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$33,800,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>$26,700,000</td>
</tr>
<tr>
<td></td>
<td>Vandenberg Air Force Base</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air National Guard Base</td>
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<td></td>
<td>Peterson Air Force Base</td>
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<td>US Air Force Academy</td>
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<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Boeing Air Force Base</td>
<td>$12,100,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Cape Canaveral Air Force Station</td>
<td>$1,600,000</td>
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<tr>
<td></td>
<td>Eglin Air Force Base</td>
<td>$13,500,000</td>
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<td></td>
<td>Tyndall Air Force Base</td>
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<td>Georgia</td>
<td>Moody Air Force Base</td>
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<td>Robins Air Force Base</td>
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</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$10,700,000</td>
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<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$18,650,000</td>
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<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$12,700,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$9,450,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Columbus Air Force Base</td>
<td>$1,150,000</td>
</tr>
<tr>
<td></td>
<td>Keesler Air Force Base</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$24,600,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$13,420,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base</td>
<td>$9,156,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson Air Force Base</td>
<td>$5,530,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>$14,800,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$13,100,000</td>
</tr>
<tr>
<td></td>
<td>Tinker Air Force Base</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>$12,500,000</td>
</tr>
<tr>
<td></td>
<td>Shaw Air Force Base</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Air Force Base</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>$5,400,000</td>
</tr>
<tr>
<td></td>
<td>Goodfellow Air Force Base</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td>Kelly Air Force Base</td>
<td>$3,244,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin Air Force Base</td>
<td>$1,400,000</td>
</tr>
<tr>
<td></td>
<td>Randolph Air Force Base</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td></td>
<td>McChord Air Force Base</td>
<td>$9,900,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$700,000</td>
</tr>
<tr>
<td></td>
<td>Total:</td>
<td>$504,690,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>$8,380,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh Annex</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Araxos Radio Relay Site</td>
<td>$1,950,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$2,350,000</td>
</tr>
<tr>
<td></td>
<td>Ghedi Radio Relay Site</td>
<td>$1,450,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Ankara Air Station</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Lakenheath Royal Air Force Base</td>
<td>$1,820,000</td>
</tr>
<tr>
<td></td>
<td>Mildenhall Royal Air Force Base</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>Overseas Classified</td>
<td>Classified Location</td>
<td>$17,100,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$49,400,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base</td>
<td>Housing Office/ Maintenance Facility.</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>80 units</td>
<td>$9,498,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>Replace 1 General Officer Quarters.</td>
<td>$210,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>Family Housing Office.</td>
<td>$842,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>127 units</td>
<td>$20,750,000</td>
</tr>
<tr>
<td></td>
<td>Vandenberg Air Force Base</td>
<td>$900,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vandenberg Air Force Base</td>
<td>143 units</td>
<td>$20,200,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>Family Housing Office.</td>
<td>$570,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base</td>
<td>32 units</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>Family Housing Office.</td>
<td>$500,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Auxiliary Field 9</td>
<td>Family Housing Office.</td>
<td>$880,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base</td>
<td>Family Housing Office.</td>
<td>$646,000</td>
</tr>
<tr>
<td></td>
<td>Patrick Air Force Base</td>
<td>70 units</td>
<td>$7,947,000</td>
</tr>
<tr>
<td></td>
<td>Tyndall Air Force Base</td>
<td>82 units</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>1 Officer &amp; 1 General Officer Quarter.</td>
<td>$513,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>Housing Maintenance Facility.</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Housing Management Facility.</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>39 units</td>
<td>$5,193,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>62 units</td>
<td>$10,299,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>32 units</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>98 units</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>72 units</td>
<td>$9,948,000</td>
</tr>
</tbody>
</table>
### Air Force: Family Housing—Continued

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>102 units</td>
<td>$16,357,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>1 General Officer Quarters.</td>
<td>$225,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>105 units</td>
<td>$11,000,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>1 General Officer Quarters.</td>
<td>$204,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base</td>
<td>104 units</td>
<td>$9,984,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson Air Force Base</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>Housing Maintenance Facility.</td>
<td>$715,000</td>
</tr>
<tr>
<td></td>
<td>Lackland Air Force Base</td>
<td>Housing Maintenance Facility.</td>
<td>$580,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>Management Office.</td>
<td>$500,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>Housing Maintenance Facility.</td>
<td>$600,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>150 units</td>
<td>$10,146,000</td>
</tr>
<tr>
<td>Washington</td>
<td>McChord Air Force Base</td>
<td>50 units</td>
<td>$9,504,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total:</td>
<td>$198,355,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

### SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,735,086,000 as follows:

1. For military construction projects inside the United States authorized by section 2301(a), $504,690,000.
2. For military construction projects outside the United States authorized by section 2301(b), $49,400,000.
3. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.
4. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,835,000.
5. For military housing functions:
   A. For construction and acquisition, planning and design and improvement of military family housing and facilities, $298,303,000.
   B. For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $849,213,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—
SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) Retention of Interest.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

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

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

"(b) Retention of Interest.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.".

(b) Limitation on Units Constructed.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: "The number of units constructed using the transferred funds (and interest accrued on such funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993."

(c) Effect of Completion of Construction.—Such section is further amended by adding at the end the following new subsection:

"(d) Completion of Construction.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a), and the remaining interest accrued on such funds, shall be deposited in the general fund of the Treasury of the United States."

(d) Reports on Accrued Interest.—Such section is further amended by adding at the end the following new subsection:

"(e) Reports on Accrued Interest.—Not later than March 1 of each year following a year in which funds available to the County under this section are used by the County for the purpose referred to in subsection (c), the Secretary shall submit to the congressional defense committees a report setting forth the amount of interest that accrued on such funds during the preceding year.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:
### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>Agency/State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ballistic Missile Defense Organization</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$13,600,000</td>
</tr>
<tr>
<td><strong>Defense Finance &amp; Accounting Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ohio</td>
<td>Columbus Center</td>
<td>$72,403,000</td>
</tr>
<tr>
<td><strong>Defense Intelligence Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base</td>
<td>$498,000</td>
</tr>
<tr>
<td><strong>Defense Logistics Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alabama</td>
<td>Defense Distribution Anniston</td>
<td>$3,550,000</td>
</tr>
<tr>
<td>California</td>
<td>Defense Distribution Stockton</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>DFSC, Point Mugu</td>
<td>$750,000</td>
</tr>
<tr>
<td>Florida</td>
<td>DFSC, Dover Air Force Base</td>
<td>$15,554,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>DFSC, Barksdale Air Force Base</td>
<td>$13,100,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>DFSC, McGuire Air Force Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Defense Distribution New Cumberland—DDSP</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Defense Distribution Depot—DDNV</td>
<td>$10,400,000</td>
</tr>
<tr>
<td><strong>Defense Mapping Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>Defense Mapping Agency Aerospace Center</td>
<td>$40,300,000</td>
</tr>
<tr>
<td><strong>Defense Medical Facility Office</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Luke Air Force Base</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Bethesda Naval Hospital</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Northwest Naval Security Group Activity</td>
<td>$4,300,000</td>
</tr>
<tr>
<td><strong>National Security Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$18,733,000</td>
</tr>
<tr>
<td><strong>Office of the Secretary of Defense</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Inside the United States</strong></td>
<td>Classified location</td>
<td>$11,500,000</td>
</tr>
<tr>
<td><strong>Department of Defense Dependents Schools</strong></td>
<td></td>
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</tr>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$5,479,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$1,116,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$576,000</td>
</tr>
<tr>
<td><strong>Special Operations Command</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base (Duke Field)</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$23,800,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Olmstead Field, Harrisburg IAP</td>
<td>$1,643,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$6,100,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>Agency/State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total: ................................................................</td>
<td>$364,602,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency/Country</th>
<th>Installation name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Fuel Support Point, Roosevelt</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>DFSC Rota</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Defense Medical Facility Office</td>
<td>Naval Support Activity, Naples</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Defense Dependents</td>
<td>Ramstein Air Force Base</td>
<td>$19,205,000</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Sigonella</td>
<td>$7,595,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Menwith Hill Station</td>
<td>$677,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Naval Station, Guam</td>
<td>$8,800,000</td>
</tr>
<tr>
<td>Guam</td>
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<td></td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$54,877,000</td>
</tr>
</tbody>
</table>

SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVESTMENT.

(a) Availability of Funds for Investment.—Of the amount authorized to be appropriated pursuant to section 2405(a)(11)(A), $22,000,000 shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code (as added by section 2801 of this Act).

(b) Use of Funds.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title (as added by such section) with respect to military family housing.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.
SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,629,491,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $329,599,000.
(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.
(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.
(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.
(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.
(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $68,837,000.
(9) For energy conservation projects authorized by section 2404, $40,000,000.
(11) For military family housing functions:
   (A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.
   (B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and
(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

(a) SET ASIDE FOR 1995 ROUND.—Of the amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), $784,569,000 shall be available only for the purposes described in section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510;
10 U.S.C. 2687 note) with respect to military installations approved for closure or realignment in 1995.

(b) CONSTRUCTION.—Amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10) may not be obligated to carry out a construction project with respect to military installations approved for closure or realignment in 1995 until after the date on which the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation contained in this subsection shall not prohibit site surveys, environmental baseline surveys, environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and planning and design work conducted in anticipation of such construction.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$3,000,000" in the amount column and inserting in lieu thereof "$115,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$12,000,000" in the amount column and inserting in lieu thereof "$186,000,000".

SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 CONTINGENCY CONSTRUCTION PROJECTS.

Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1876) is amended—

(1) in the matter preceding paragraph (1), by striking out "$3,268,394,000" and inserting in lieu thereof "$3,260,263,000"; and

(2) in paragraph (10), by striking out "$12,200,000" and inserting in lieu thereof "$4,069,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 2501, in the amount of $161,000,000.
TITe XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—
   (A) for the Army National Guard of the United States, $134,802,000; and
   (B) for the Army Reserve, $73,516,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,055,000.

(3) For the Department of the Air Force—
   (A) for the Air National Guard of the United States, $170,917,000; and
   (B) for the Air Force Reserve, $36,232,000.

SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 AIR NATIONAL GUARD PROJECTS.

Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended by striking out “$236,341,000” and inserting in lieu thereof “$229,641,000”.

SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

(a) IN GENERAL.—Subject to subsection (b), amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

(b) NOTICE AND WAIT.—The amounts referred to in subsection (a) shall not be available for construction with respect to a facility referred to in that subsection until 21 days after the date on which the Secretary of the Army submits to Congress a report describing the construction (including any land acquisition) to be carried out with respect to the facility.

TITe XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date ten years after the date of enactment of this Act.
SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act or in section 2201 of that Act (as amended by section 2206 of this Act), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1993 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Pine Bluff Arsenal</td>
<td>Ammunition Demilitarization Support Facility</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>Add/Alter Sewage Treatment Plant</td>
<td>$17,500,000</td>
</tr>
</tbody>
</table>

**Navy: Extension of 1993 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton Marine Corps Base</td>
<td>Sewage Treatment Plant Modifications</td>
<td>$19,740,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Patuxent River Naval Warfare Center</td>
<td>Large Anechoic Chamber, Phase I. Child Development Center, Land Acquisition</td>
<td>$60,990,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Meridian Naval Air Station</td>
<td>Land Acquisition</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Hampton Roads</td>
<td></td>
<td>$4,500,000</td>
</tr>
</tbody>
</table>

**Air Force: Extension of 1993 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>Fire Training Facility</td>
<td>$710,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base.</td>
<td>Civil Engineer Complex.</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>Alter Student Dormitory. Bridge Road and Utilities</td>
<td>$3,100,000, $4,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base ..</td>
<td></td>
<td></td>
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</tbody>
</table>
PUBLIC LAW 104–106—FEB. 10, 1996

Air Force: Extension of 1993 Project Authorizations—Continued

<table>
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<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pope Air Force Base</td>
<td>Munitions Storage Complex</td>
<td>$4,300,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base</td>
<td>Base Engineer Complex</td>
<td>$5,300,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Base</td>
<td>Landfill</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field</td>
<td>Water Wells</td>
<td>$865,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fire Training Facility</td>
<td>$950,000</td>
</tr>
<tr>
<td></td>
<td>Guatemala</td>
<td>Landfill</td>
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<tr>
<td></td>
<td>Portugal</td>
<td>Water Wells</td>
<td>$865,000</td>
</tr>
<tr>
<td></td>
<td>Portugal</td>
<td>Fire Training Facility</td>
<td>$950,000</td>
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Army National Guard: Extension of 1993 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Tuscaloosa</td>
<td>Armory</td>
<td>$2,273,000</td>
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<tr>
<td></td>
<td>Union Springs</td>
<td>Armory</td>
<td>$813,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>La Grande</td>
<td>Organizational Maintenance Shop</td>
<td>$1,220,000</td>
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<tr>
<td></td>
<td>La Grande</td>
<td>Armory Addition</td>
<td>$3,049,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Indiana</td>
<td>Armory</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>North Kingston</td>
<td>Add/Alter Armory</td>
<td>$3,330,000</td>
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Army Reserve: Extension of 1993 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Bluefield</td>
<td>United States Army Reserve Center</td>
<td>$1,921,000</td>
</tr>
<tr>
<td></td>
<td>Clarksburg</td>
<td>United States Army Reserve Center</td>
<td>$1,566,000</td>
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<tr>
<td></td>
<td>Grantville</td>
<td>United States Army Reserve Center</td>
<td>$2,785,000</td>
</tr>
<tr>
<td></td>
<td>Lewisburg</td>
<td>United States Army Reserve Center</td>
<td>$1,631,000</td>
</tr>
<tr>
<td></td>
<td>Weirton</td>
<td>United States Army Reserve Center</td>
<td>$3,481,000</td>
</tr>
</tbody>
</table>

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) Extensions.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act, and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:
### Army: Extension of 1992 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>Umatilla Army Depot</td>
<td>Ammunition Demilitarization Support Facility.</td>
<td>$3,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ammunition Demilitarization Utilities.</td>
<td>$7,500,000</td>
</tr>
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#### Army National Guard: Extension of 1992 Project Authorization

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<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>Toledo</td>
<td>Armory</td>
<td>$3,183,000</td>
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</tbody>
</table>

#### Army Reserve: Extension of 1992 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tennessee</td>
<td>Jackson</td>
<td>Joint Training Facility.</td>
<td>$1,537,000</td>
</tr>
</tbody>
</table>

### TITLE XXVIII—GENERAL PROVISIONS

#### Subtitle A—Military Housing Privatization Initiative

SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

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### § 2871. Definitions

"In this subchapter:

(1) The term 'ancillary supporting facilities' means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

(2) The term 'base closure law' means the following:

(A) Section 2687 of this title.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).
Section 2872. General authority

"In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

1. Family housing units on or near military installations within the United States and its territories and possessions.
2. Military unaccompanied housing units on or near such military installations.

Section 2873. Direct loans and loan guarantees

(a) Direct loans.—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

(b) Loan guarantees.—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

(A) the amount equal to 80 percent of the value of the project; or

(B) the amount of the outstanding principal of the loan.

(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

(c) Limitation on direct loan and guarantee authority.—Direct loans and loan guarantees may be made under this section
only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

§ 2874. Leasing of housing to be constructed

(a) Build and lease authorized.—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

(b) Lease terms.—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

§ 2875. Investments in nongovernmental entities

(a) Investments authorized.—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

(b) Forms of investment.—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

(c) Limitation on value of investment.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(3) In this subsection, the term `capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

(d) Collateral incentive agreements.—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

§ 2876. Rental guarantees

The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

(1) the occupancy of such units at levels specified in the agreements; or
“(2) rental income derived from rental of such units at levels specified in the agreements.

§ 2877. Differential lease payments

“Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

§ 2878. Conveyance or lease of existing property and facilities

“(a) Conveyance or lease authorized.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

“(b) Inapplicability to property at installation approved for closure.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

“(c) Terms and conditions.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

“(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

“(d) Inapplicability of certain property management laws.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

“(1) Section 2667 of this title.


§ 2879. Interim leases

“Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

§ 2880. Unit size and type

“(a) Conformity with similar housing units in locale.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.
``(b) Inapplicability of limitations on space by pay grade.—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

§ 2881. Ancillary supporting facilities

``Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

§ 2882. Assignment of members of the armed forces to housing units

``(a) In general.—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

``(b) Effect of certain assignments on entitlement to housing allowances.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

``(c) Lease payments through pay allotments.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

§ 2883. Department of Defense Housing Funds

``(a) Establishment.—There are hereby established on the books of the Treasury the following accounts:

``(1) The Department of Defense Family Housing Improvement Fund.

``(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

``(b) Commingling of funds prohibited.—(1) The Secretary of Defense shall administer each Fund separately.

``(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

``(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

``(c) Credits to funds.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

``(A) Amounts authorized for and appropriated to that Fund.

``(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

``(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose
of carrying out activities under this subchapter with respect to military family housing.

"(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

(A) Amounts authorized for and appropriated to that Fund.

(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

(d) USE OF AMOUNTS IN FUNDS.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

(e) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed

(1) $850,000,000 for the acquisition or construction of military family housing; and
"(2) $150,000,000 for the acquisition or construction of military unaccompanied housing.

§ 2884. Reports

(a) Project Reports.—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

(B) each conveyance or lease proposed under section 2878 of this title.

(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

(b) Annual Reports.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

§ 2885. Expiration of authority

The authority to enter into a contract under this subchapter shall expire five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996."

(b) Final Report.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PARTNERSHIPS FOR DEVELOPMENT OF MILITARY FAMILY HOUSING.

(a) Participation of Other Military Departments.—(1) Subsection (a)(1) of section 2837 of title 10, United States Code, is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(2) Subsection (b)(1) of such section is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(b) Administration.—(1) Subsection (a)(1) of such section is further amended by striking out "the Secretary of the Navy" in the first sentence and inserting in lieu thereof "the Secretary of a military department".
(2) Subsections (a)(2), (b), (c), (g), and (h) of such section are amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary concerned".

(c) ACCOUNT.—Subsection (d) of such section is amended to read as follows:

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the `Defense Housing Investment Account'.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account;

"(B) any proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under subsection (a); and

"(C) any unobligated balances which remain in the Navy Housing Investment Account as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(3) From such amounts as are provided in advance in appropriation Acts, funds in the Account shall be available to the Secretaries concerned in amounts determined by the Secretary of Defense for contracts, investments, and expenses necessary for the implementation of this section.

"(4) The Secretary concerned may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Account is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract."

(d) TERMINATION OF NAVY HOUSING INVESTMENT BOARD.—Such section is further amended—

(1) by striking out subsection (e); and

(2) in subsection (h)—

(A) by striking out "AUTHORITIES" in the subsection heading and inserting in lieu thereof "AUTHORITY";

(B) by striking out "(1)"; and

(C) by striking out paragraph (2).

(e) REPORT.—Subsection (f) of such section is amended—

(1) by striking out "the Secretary carries out activities" and inserting in lieu thereof "activities are carried out"; and

(2) by striking out "the Secretary shall" and inserting in lieu thereof "the Secretaries concerned shall jointly".

(f) EXTENSION OF AUTHORITY.—Subsection (h) of such section is further amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2000".

(g) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking out "NAVY" in the subsection heading.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY DEFICIENCIES.

(a) SPECIAL THRESHOLD.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military
construction project may have an approved cost equal to or less than $3,000,000.”; and
(2) in subsection (c)(1), by striking out “not more than $300,000.” and inserting in lieu thereof “not more than—
“(A) $1,000,000, in the case of an unspecified military
construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or
“(B) $300,000, in the case of any other unspecified military
construction project.”.
(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of such title is amended by striking out “section 2805(a)(2)” and inserting in lieu thereof “section 2805(a)(1)”.

SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

Section 2805(a)(1) of title 10, United States Code, as amended by section 2811 of this Act, is further amended by striking out “(1) that is for a single undertaking at a military installation, and (2)” in the second sentence.

SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION FOR FAMILY HOUSING ACQUIRED IN LIEU OF CONSTRUCTION.

Section 2824(c) of title 10, United States Code, is amended by adding at the end the following new sentence: “The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.”.

SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION ON ACQUISITION BY PURCHASE OF CERTAIN MILITARY FAMILY HOUSING.

Section 2826(e) of title 10, United States Code, is amended by striking out the second sentence.

SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITATIONS ON SPACE BY PAY GRADE FOR MILITARY FAMILY HOUSING UNITS.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.
“(2) The total number of military family housing units constructed, acquired, or improved during any fiscal year in the period referred to in paragraph (1) shall be the total number of such units authorized by law for that fiscal year.”.

SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—
(1) in paragraph (1)—
(A) by striking out “300 units” in the first sentence and inserting in lieu thereof “450 units”; and
(B) by striking out “220 such units” in the second sentence and inserting in lieu thereof “350 such units”; and
(2) in paragraph (2), by striking out “300 units” and inserting in lieu thereof “450 units”.
SEC. 2817. CLARIFICATION OF SCOPE OF REPORT REQUIREMENT ON COST INCREASES UNDER CONTRACTS FOR MILITARY FAMILY HOUSING CONSTRUCTION.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

“(d) The limitation on cost increases in subsection (a) does not apply to the settlement of a contractor claim under a contract.”.

SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIORATED MILITARY FAMILY HOUSING.

(a) AUTHORITY.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2854 the following new section:

“§ 2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

“(a) AUTHORITY TO CONVEY.—(1) The Secretary concerned may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

“(2) The authority of this section does not apply to family housing facilities located at military installations approved for closure under a base closure law or family housing facilities located at an installation outside the United States at which the Secretary of Defense terminates operations.

“(3) The aggregate total value of the family housing facilities conveyed by the Department of Defense under the authority in this subsection in any fiscal year may not exceed $5,000,000.

“(4) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such facility.

“(b) CONSIDERATION.—(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

“(2) The Secretary concerned shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determination shall be final.

“(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

“(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

“(A) an estimate of the consideration to be provided the United States under the agreement;

“(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

“(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

“(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

“(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:


“(2) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).
“(e) Use of Proceeds.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the appropriate fund established under section 2883 of this title and shall be available—

“(A) to construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed;

“(B) to repair or restore existing military family housing; and

“(C) to reimburse the Secretary concerned for the costs incurred by the Secretary in conveying the family housing facility.

“(2) Notwithstanding section 2883(d) of this title, proceeds derived from a conveyance of a family housing facility under this section shall be available under paragraph (1) without any further appropriation.

“(f) Description of Property.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary concerned considers satisfactory, including by survey in the case of real property.

“(g) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.”.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2854 the following new item:

“2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds.”.

(b) Conforming Amendment.—Section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10, United States Code.”.

SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS FOR THE DEPARTMENT OF DEFENSE.

(a) Inclusion of Water Efficient Maintenance in Energy Performance Plan.—Paragraph (3) of section 2865(a) of title 10, United States Code, is amended by striking out “energy efficient maintenance” and inserting in lieu thereof “energy efficient maintenance or water efficient maintenance”.

(b) Scope of Term.—Paragraph (4) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking out “energy efficient maintenance” and inserting in lieu thereof “energy efficient maintenance or water efficient maintenance”;

(2) in subparagraph (A), by striking out “systems or industrial processes,” in the matter preceding clause (i) and inserting in lieu thereof “systems, industrial processes, or water efficiency applications,”; and

(3) in subparagraph (B), by inserting “or water cost savings” before the period at the end.
SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) Extension of Authority.—Subsection (d) of section 2680 of title 10, United States Code, is amended in the first sentence by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 2000”.

(b) Reporting Requirement.—Such section is further amended by adding at the end the following new subsection:

“(e) Reports.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on the Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that—

“(1) identifies each leasehold interest acquired during the previous fiscal year under subsection (a); and

“(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) during such fiscal year.”.

(c) Conforming Repeal.—Section 2863 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out subsection (b).

SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) In General.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

“§ 2782. Damage to real property: disposition of amounts recovered

“Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

“2782. Damage to real property: disposition of amounts recovered.”.

SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) Short Title.—This section may be cited as the “Military Housing Assistance Act of 1995”.

(b) Mortgage Assistance Payment Authority of the Secretary of Veterans Affairs.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

“§ 3708. Authority to buy down interest rates: pilot program

“(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (6), or (10) of section 3710(a) of this title.

“(b) An individual is an eligible veteran for the purposes of this section if—


38 USC 101 note.
"(1) the individual is a veteran, as defined in section 3701(b)(4) of this title;

(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

"(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

(1) provide for a buy down period of not more than three years in duration;

(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

"(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

"(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

"(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

"(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

"3708. Authority to buy down interest rates: pilot program."

38 USC 3708
note.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagors under section 3708 of title 38, United States Code, as added by subsection (b).

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than March 30, 1998, the Secretary shall submit to Congress a report regarding the effectiveness of the authority provided in section 3708 of title 38, United States Code, in ensuring that members of the Armed Forces and their dependents have access to suitable housing. The report shall include the recommendations of the Secretary.
regarding whether the authority provided in this subsection should be extended beyond the date specified in paragraph (5).

(4) EARMARK.—Of the amount provided in section 2405(a)(11)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle C—Defense Base Closure and Realignment

SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting “or (5)” after “paragraph (4)”; and

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

“(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).”.

(b) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—

(1) Section 207(a)(7) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out “transfer or disposal” and inserting in lieu thereof “lease, transfer, or disposal”.

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (C), by striking out “transfer or disposal” and inserting in lieu thereof “lease, transfer, or disposal”; and

(B) in subparagraph (D), by striking out “transfer or disposal” and inserting in lieu thereof “lease, transfer, or disposal”.

SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The Secretary concerned may accept under subsection (b)(5) services of a lessee for an entire installation to be closed or realigned under a base closure law, or for any part of such installation, without regard to the requirement in subsection (b)(5) that a substantial part of the installation be leased.”.

SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding after paragraph (4), as added by section 2832 of this Act, the following new paragraph:

“(5)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.
“(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final disposal decision with respect to the property, even if final disposal of the property is delayed until completion of the term of the interim lease. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

“(C) Subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

“(i) significantly affect the quality of the human environment; or

“(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.”.

SEC. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING ENVIRONMENTAL REMEDIATION AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended in the matter following subparagraph (C)—

(1) by striking out the first sentence; and

(2) by adding at the end, flush to the paragraph margin, the following:

“The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the real property is transferred is a potentially responsible party with respect to such property. The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.”.

SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary may transfer not more than $300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

“(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).”.

SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—
(A) by striking out "Subject to subparagraph (C)" in the matter preceding clause (i) and inserting in lieu thereof "Subject to subparagraph (B)"; and

(B) by striking out "in effect on the date of the enactment of this Act" each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

"(B) The Secretary may, with the concurrence of the Administrator of General Services—

"(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.".

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY.

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A
of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended to read as follows:

"(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6)."

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(i)(I) of such section is amended in the second sentence by striking out “the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)” and inserting in lieu thereof “the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting “the Secretary of Defense and” before “the Secretary of Housing and Urban Development”;

and

(2) in clause (ii), by striking out “the Secretary of Housing and Urban Development” and inserting in lieu thereof “such Secretaries”.

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

“(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

“(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

“(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

“(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

“(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).”.

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

“(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

“(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and
Urban Development determines are suitable for use to assist the homeless; and

``(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).
``

(iii)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

``(III) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.
``

``(IV) The Secretary of Defense shall dispose of buildings and property under clause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.
``

``(V) The disposal under clause (I) of buildings and property to assist the homeless shall be without consideration.
``

(f) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting ``or (L)'' after ``subparagraph (K)''.

(g) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

``(P) For purposes of this paragraph, the term `other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.''.

SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

``(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or
other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.”.

(b) 1990 Law.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

“A Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.”.

SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 Law.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

“(e) Transfer Authority in Connection With Construction or Provision of Military Family Housing.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

“(2) A transfer of real property or facilities may be made under paragraph (1) only if—

“(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

“(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

“(3) Notwithstanding section 207(a)(7), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

“(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the
21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States."

(b) 1990 Law.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as property essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States."

(c) Regulations.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).
DEFENSE ACTS

SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES FOR DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) Consolidation of Base Closure Authorities.—In the case of the property and facilities at Fort Holabird, Maryland, described in subsection (b), the Secretary of Defense shall dispose of such property and facilities in accordance with section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2838 of this Act.

(b) Covered Property and Facilities.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), but have not been disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that were approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) Use of Surveys and Other Evaluations of Property.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that were prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) Transfer of Land for National Cemetery.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) Use of Land.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) Legal Description.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) Additional Terms and Conditions.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) Transfer of Land for National Cemetery.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.
(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2853. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsections (b) and (c), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation, Massachusetts, that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge.

(b) LAND CONVEYANCE.—Subject to subsection (c), the Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) REQUIREMENTS RELATING TO TRANSFER AND CONVEYANCE.—
(1) The transfer under subsection (a) and the conveyance under subsection (b) may not be made unless the property to be transferred and conveyed is determined to be excess to the needs of the Department of Defense.

(2) The transfer and conveyance shall be made as soon as practicable after the date on which the property is determined to be excess to the needs of the Department of Defense.

(d) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectmen of the Town. The cost of the survey shall be borne by the Town.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) and the conveyance under subsection (b) as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) DESIGNATION OF RECIPIENT.—Subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658) is amended by striking out “any grantee selected in accordance with subsection (e)” and inserting in lieu thereof “the County of Fairfax, Virginia (in this section referred to as the ‘grantee”),’
(b) **Consideration.**—Subsection (b)(1) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) grant title, free of liens and other encumbrances, to the Department to such facilities and, if not already owned by the Department, to the underlying land; and".

(c) **Content of Agreement.**—Subsection (c) of such section is amended to read as follows:

"(c) **Content of Agreement.**—An agreement entered into under this section shall include the following:

"(1) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

"(2) A requirement that the construction of facilities and infrastructure improvements referred to in paragraph (1) be carried out in accordance with plans and specifications approved by the Secretary.

"(3) A requirement that the Secretary retain a lien or other security interest against the property conveyed to the grantee in the amount of the fair market value of the property, as determined under subsection (b)(2). The agreement will specify the terms for releasing the lien or other security interest, in whole or in part. In the event of default by the County on its obligations under the terms of the agreement, the Secretary shall enforce the lien or security interest. The proceeds obtained through enforcing the lien or security interest may be used by the Secretary to construct facilities and make infrastructure improvements in lieu of those provided for in the agreement."

(d) **Surveys.**—Subsection (g) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The grantee shall be responsible for completing any such survey without cost to the United States."

(e) **Conforming Amendments.**—Such section is further amended—

(1) in subsection (a), by striking out "Subject to subsections (b) through (h), the" and inserting in lieu thereof "The";

(2) in subsection (b)(1), by striking out "subsection (c)(1)(D)" both places it appears and inserting in lieu thereof "subsection (c)(1)(A)";

(3) by striking out subsections (e) and (f); and

(4) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

SEC. 2855. **Land Exchange, Fort Lewis, Washington.**

(a) **Conveyance Authorized.**—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as "WRECO"), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Stellacoom Road, consisting of approximately 1.23 acres), and Tract 26E (consisting of 0.03 acre).

(b) **Consideration.**—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States, by warranty deed acceptable to the Secretary, a 0.39 acre parcel of real property located adjacent to Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of the land conveyed under subsection (a).
(c) **DETERMINATION OF FAIR MARKET VALUE.**—The determinations of the Secretary regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by WRECO.

(e) **EFFECT ON EXISTING REVERSIONARY INTEREST.**—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) **LAND EXCHANGE AUTHORIZED.**—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 4.2 acres and located on Shallowford Road in Gainesville, Georgia, the site of the Army Reserve Center, Gainesville, Georgia.

(b) **CONSIDERATION.**—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres located in the Atlas Industrial Park, Gainesville, Georgia, that is acceptable to the Secretary;

(2) design and construct on such real property suitable facilities (as determined by the Secretary) for training activities of the Army Reserve to replace facilities conveyed under subsection (a);

(3) carry out, at cost to the City, any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the land conveyances under subsection (a) and paragraph (1) and the construction under paragraph (2);

(4) pay the Secretary the amount (as determined by the Secretary) equal to the cost of relocating Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed under paragraph (2); and

(5) if the fair market value of the real property conveyed by the Secretary under subsection (a) exceeds the fair market value of the consideration provided by the City under paragraphs (1) through (4), pay the United States the amount equal to the amount of such excess.

(c) **DETERMINATION OF FAIR MARKET VALUE.**—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be furnished by the City under subsection (b). Such determination shall be final.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by a survey satisfactory
to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 6.5 acres located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and a portion of the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Depart-
ment of the Army such amounts as may be necessary to cover morale, welfare, and recreation activities at Army installations in the general vicinity of Fort Ord during fiscal years 1996 through 2000. The amount deposited by the Secretary into the Account shall not exceed the fair market value, as established under subsection (b), of the two Fort Ord Golf Courses conveyed under subsection (a). The Secretary shall notify Congress of the amount to be deposited not later than 90 days after the date of the conveyance.

(2) The Secretary shall deposit the balance of any funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) Conveyance Authorized.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 42 acres located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) Consideration.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with the following services at the portion of Parks Reserve Forces Training Area retained by the Army:

(A) Relocation of the main gate of the retained Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street.

(B) Enclosing and landscaping of the southern boundary of the retained Training Area installation located northerly of Dublin Boulevard.

(C) Enclosing and landscaping of the eastern boundary of the retained Training Area from Dublin Boulevard to Gleason Drive.

(D) Resurfacing of roadways within the retained Training Area.

(E) Provision of such other services in connection with the retained Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate.

(F) Provision for and funding of any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Train-
ing Area. The preparation costs of such specifications shall be borne by the County.

(3) The fair market value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised fair market value of the real property to be conveyed under subsection (a)(1). The appraisal of the fair market value of the property shall be subject to the Secretary's review and approval.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) Time for Transfer of Title.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) Condition of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) Conveyance Authorized.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) Requirement for Federal Screening of Property.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) Consideration.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

   (A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

   (B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and
(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;
(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and
(3) be acceptable to the Secretary.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Highwood, the City of Highland Park, and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(h) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (g).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummings Apartment Complex at Fort Holabird, Maryland, that consists of approximately 6 acres, and any interest the United States may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an
amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. MODIFICATION OF EXISTING LAND CONVEYANCE, ARMY PROPERTY, HAMILTON AIR FORCE BASE, CALIFORNIA.

(a) Application of Section.—The authority provided in subsection (b) shall apply only in the event that the purchaser purchases only a portion of the Sale Parcel referred to in section 9099 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1924) and exercises the purchaser's option to withdraw from the sale as to the rest of the Sale Parcel.

(b) Conveyance Authority in Event of Partial Sale.—The Secretary of the Army may convey to the City of Novato, California (in this section referred to as the "City")—

(1) that portion of the Sale Parcel (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site) that is not purchased as provided in subsection (a); and

(2) any of the land referred to in subsection (e) of such section 9099 that is not purchased by the purchaser.

(c) Consideration and Conditions on Conveyance.—The conveyance under subsection (b) shall be made as a public benefit transfer to the City for the sum of One Dollar, subject to the condition that the conveyed property be used for school, classroom, or other educational purposes or as a public park or recreation area.

(d) Subsequent Conveyance by the City.—(1) If, within 10 years after the conveyance under subsection (b), the City conveys all or any part of the conveyed property to a third party without the use restrictions specified in subsection (c), the City shall pay to the Secretary of the Army an amount equal to the proceeds received by the City from the conveyance, minus the demonstrated reasonable costs of making the conveyance and of any improvements made by the City to the property following its acquisition of the land (but only to the extent such improvements increase the value of the property conveyed). The Secretary of the Army shall deliver into the applicable closing escrow an acknowledgement of receipt of the proceeds and a release of the reverter right under subsection (e) as to the affected land, effective upon such receipt.

(2) Until one year after the completion of the cleanup of contaminated soil in the Landfill located on the Sale Parcel and completion of the groundwater treatment facilities, any conveyance by the City must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification for the purchase of the Sale Parcel by the purchaser. Thereafter, any conveyance by the City must be at a price at least equal to the fair market value of the portion sold.

(3) This subsection shall not apply to a conveyance by the City to another public or quasi-public agency for public uses of the kind described in subsection (c).

(e) Reversion.—If the Secretary of the Army determines that the City has failed to make a payment as required by subsection (d)(1) or that any portion of the conveyed property retained by the City or conveyed under subsection (d)(3) is not being utilized in accordance with subsection (c), title to the applicable portion
of such property shall revert to the United States at the election of the Administrator of the General Services Administration.

(f) SPECIAL CONVEYANCE REGARDING BUILDING 138 PARCEL.—The Secretary of the Army may convey to the purchaser of the Sale Parcel the Building 138 parcel, which has been designated by the parties as Parcel A4. The per-acre price for the portion conveyed under this subsection shall be at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, dated September 25, 1990, as amended.

PART II—NAVY CONVEYANCES

SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3058), the Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) SURVEY.—The cost of any survey necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended to read as follows:

``(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection services, and maintenance services provided by the Community Development Agency for the property.

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking out “subsection (a)” and inserting in lieu thereof “subsection (a) or a lease under subsection (c)”.

SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

tion Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3057), is further amended by adding at the end the following new paragraphs:

"(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under that paragraph, the Secretary may convey, without consideration, the property described in that paragraph to the City of Oakland, California, the Port of Oakland, California, the City of Alameda, California, or the City of Richmond, California, under such terms and conditions as the Secretary considers appropriate.

"(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property."

SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant, McGregor, Texas.

(2) After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses by the Department of the Navy, the Secretary may include in the conveyance under paragraph (1) any facilities, equipment, and fixtures on the parcel not to be so used if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance under paragraph (1).

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection services, and maintenance services provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—
(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, President's Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) Condition of Conveyance.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) Determination of Fair Market Value.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) Use of Proceeds.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) Conveyance Authorized.—Subject to subsection (b), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) Requirement for Federal Screening of Property.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) Consideration.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating members of the Armed Forces residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);
(D) provide for the education of dependents of such members under subsection (e); and

(E) carry out such activities for the operation, maintenance, and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES.—In providing for the education of dependents of members of the Armed Forces under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(1) meet such standards for schools and school districts as the Secretary shall establish; and

(2) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF MEMBERS OF THE ARMED FORCES.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate—

(1) members of the Armed Forces residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B); and

(2) other Government tenants located on such property to other facilities.

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEEES.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest,
the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to the Port of Stockton, California (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station, Stockton, California.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(d) CONSIDERATION.—The conveyance may be made as a public benefit conveyance for port development as defined in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) if the Port satisfies the criteria in such section and the regulations prescribed to implement such section. If the Port fails to qualify for a public benefit conveyance and still desires to acquire the property, the Port shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port lease to the Department of Defense or any other Federal agency all or any part of the property being used by the Federal Government at the time of conveyance. Any such lease shall be made under the same terms and conditions as in force at the time of the conveyance. Such terms and conditions will continue to include payment to the Port for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States or as required by all applicable Federal, State, and local laws and ordinances.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) LEASE AUTHORIZED.—Notwithstanding section 2692(a)(1) of title 10, United States Code, the Secretary of the Navy may lease
to the City of San Diego, California (in this subsection referred to as the "City"), the parcel of real property, including improvements thereon, described in subsection (b) in order to permit the City to carry out activities on the parcel relating to solid waste management, including the operation and maintenance of one or more solid waste landfills. Pursuant to the lease, the Secretary may authorize the City to construct and operate on the parcel facilities related to solid waste management, including a sludge processing facility.

(b) Covered Property.—The parcel of property to be leased under subsection (a) is a parcel of real property consisting of approximately 1,400 acres that is located at Naval Air Station, Miramar, California, or Marine Corps Air Station, Miramar, California.

(c) Lease Term.—The lease authorized under subsection (a) shall be for an initial term of not more than 50 years. Under the lease, the Secretary may provide the City with an option to extend the lease for such number of additional periods of such length as the Secretary considers appropriate.

(d) Form of Consideration.—The Secretary may provide in the lease under subsection (a) for the provision by the City of in-kind consideration under the lease.

(e) Use of Money Rentals.—In such amounts as are provided in advance in appropriation Acts, the Secretary may use money rentals received by the Secretary under the lease authorized under subsection (a) to carry out the following programs at Department of the Navy installations that utilize the solid waste landfill or landfills located on the leased property:

1. Environmental programs, including natural resource management programs, recycling programs, and pollution prevention programs.
2. Programs to improve the quality of military life, including programs to improve military unaccompanied housing and military family housing.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) Definitions.—In this section, the terms "sludge", "solid waste", and "solid waste management" have the meanings given such terms in paragraphs (26A), (27), and (28), respectively, of section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

PART III—AIR FORCE CONVEYANCES

SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SOUTH CAROLINA.

(a) Land Acquisition.—By means of an exchange of property, acceptance as a gift, or other means that do not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) Land Exchange Authorized.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

1. The Secretary determines that the land exchange is in the best interests of the Air Force; and
2. The fair market value of the parcel to be conveyed by the Secretary does not exceed the fair market value of the parcel to be acquired by the Secretary.
(c) Determinations of Fair Market Value.—The Secretary shall determine the fair market value of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b). Such determinations shall be final.

(d) Reversion of Gift Conveyance.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

(e) Descriptions of Property.—The exact acreage and legal descriptions of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) Conveyance to Private Person Authorized.—The Secretary of the Air Force may convey to such private person as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Alaska, and identified in land lease W-95-507-ENG-58.

(b) Consideration.—As consideration for the conveyance under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W-95-507-ENG-58, with an expiration date of June 13, 2024.

(c) Condition of Conveyance.—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser of the property—

(1) permit the lease of the apartment complex located on the property by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents; and

(2) maintain the apartment complex in a condition suitable for such leases.

(d) Deposit of Proceeds.—The Secretary shall deposit the amount received from the purchaser under subsection (b) in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser of the real property.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2876. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the “City”), all right, title, and interest of the United States in and to the parcel of property (including
any improvements thereon) consisting of approximately 58 acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING SITE, POWELL, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Northwest College Board of Trustees (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 24 acres located in Powell, Wyoming, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Powell, Wyoming.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board use the property conveyed under that subsection for housing and recreation purposes and for such other purposes as the Secretary and the Board jointly determine appropriate.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date that the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida
(in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) **Condition of Conveyance.**—The conveyance authorized under subsection (a) shall be subject to the condition that the County, directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility.

(c) **Reversionary Interest.**—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) **Description of Property.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) **Additional Terms and Conditions.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**Subtitle E—Land Conveyances Involving Utilities**

**SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.**

(a) **Conveyance Authorized.**—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately six acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) **Related Easements.**—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) **Requirement Relating to Conveyance.**—The Secretary may not carry out the conveyance of the resource recovery facility authorized by subsection (a) unless the County agrees to accept the facility in its existing condition at the time of the conveyance.

(d) **Conditions on Conveyance.**—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

1. That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.
2. That the County comply with all applicable environmental laws and regulations (including any permit or license requirements) relating to the resource recovery facility.
3. That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.
4. That the County not commence any expansion of the resource recovery facility without approval of such expansion by the Secretary.

(e) **Description of the Property.**—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection
(b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the water and wastewater treatment plants and distribution and collection systems conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water and wastewater treatment plants and distribution and collection systems authorized by subsection (a) unless the City agrees to accept the water and wastewater treatment plants and distribution and collection systems in their existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

1. That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

2. That the City comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the real property conveyed under subsection (a).

3. That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

4. That the City not commence any expansion of the water and wastewater treatment plants and distribution and collection systems without approval of such expansion by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the "Company"), all right, title, and interest of the United States in and to the electricity distribution system located at Fort Irwin, California.
(b) Description of System and Conveyance.—The electricity distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electricity distribution lines (including poles, switches, reclosers, transformers, regulators, switchgears, and service lines) and includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electricity services at Fort Irwin. The system does not include any real property.

(c) Related Easements.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electricity distribution system conveyed under subsection (a).

(d) Requirement Relating to Conveyance.—The Secretary may not carry out the electricity distribution system authorized by subsection (a) unless the Company agrees to accept the electricity distribution system in its existing condition at the time of the conveyance.

(e) Conditions on Conveyance.—The conveyance authorized by subsection (a) is subject to the following conditions:

1. That the Company provide electricity service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.
2. That the Company comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the electricity distribution system.
3. That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electricity distribution system.
4. That the Company not commence any expansion of the electricity distribution system without approval of such expansion by the Secretary.

(f) Description of Easement.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2884. Conveyance of Water Treatment Plant, Fort Pickett, Virginia.

(a) Authority to Convey.—(1) The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the “Town”), all right, title, and interest of the United States in and to the property described in paragraph (2).
2. The property referred to in paragraph (1) is the following property located at Fort Pickett, Virginia:
   (A) A parcel of real property consisting of approximately 10 acres, including a reservoir and improvements thereon, the site of the Fort Pickett water treatment plant.
   (B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are jointly identified by the Secretary and the Town as owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Pickett.

(b) Related Easements.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):
   (1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to
the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the finished water lines from the system to the Town.

(3) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal, State, or municipal agency relating to the maintenance of a buffer zone around the water distribution system.

(c) **WATER RIGHTS.**—The Secretary shall grant to the Town as part of the conveyance under subsection (a) all right, title, and interest of the United States in and to any water of the Nottoway River, Virginia, that is connected with the reservoir referred to in paragraph (2)(A) of such subsection. The grant of such water rights shall not impair the right that any other local jurisdiction may have to withdraw water from the Nottoway River, on or after the date of the enactment of this Act, pursuant to the law of the Commonwealth of Virginia.

(d) **Requirements Relating to Conveyance.**—(1) The Secretary may not carry out the conveyance of the water distribution system authorized under subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the system to be conveyed under this section before carrying out the conveyance.

(e) **Conditions on Conveyance.**—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town reserve for provision to Fort Pickett, and provide to Fort Pickett on demand, not less than 1,500,000 million gallons per day of treated water from the water distribution system.

(2) That the Town provide water to and distribute water at Fort Pickett at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Town maintain and operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(f) **Description of Property.**—The exact legal description of the property to be conveyed under subsection (a), of any easements granted under subsection (b), and of any water rights granted under subsection (c) shall be determined by a survey and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the Town.

(g) **Additional Terms and Conditions.**—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a), the easements granted under subsection (b), and the water rights granted under subsection (c) that the Secretary considers appropriate to protect the interests of the United States.

### Subtitle F—Other Matters

#### SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATIONAL PURPOSES.

Section 2008 of title 10, United States Code, is amended by striking out “section 10” and all that follows through the period at the end and inserting in lieu thereof “construction, as defined
in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.”

SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) Program Authorized.—The Secretary of Defense may carry out a program (to be known as the “Department of Defense Laboratory Revitalization Demonstration Program”) for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

(b) Increased Maximum Amounts Applicable to Minor Construction Projects.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) Program Requirements.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department of Defense laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from such laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department of Defense laboratories that are contractor owned.

(3) The Secretary shall notify Congress of the laboratories designated under paragraph (1)(A).

(d) Report.—Not later than February 1, 1998, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary’s conclusions and recommendations regarding the desirability of extending the authority set forth in subsection (b) to cover all Department of Defense laboratories.

(e) Exclusivity of Program.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

(f) Definitions.—In this section:

(1) The term “laboratory” includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term “supporting facility”, with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) Expiration of Authority.—The Secretary may not commence a construction project under the program after September 30, 1998.

SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE OF MISSISSIPPI TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) Joint Use Agreement Authorized.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the “Port
Authority”), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the “Center”).

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

1. to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and
2. to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

A. to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

B. to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.
SEC. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that provides for or permits civil aircraft to regularly use Naval Air Station or Marine Corps Air Station, Miramar, California.

SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report setting forth—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to respond affirmatively to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

SEC. 2896. RESIDUAL VALUE REPORTS.

(a) REPORTS REQUIRED.—The Secretary of Defense, in coordination with the Director of the Office of Management and Budget, shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany. Such status reports shall be submitted within 30 days after the receipt of such reports by the Office of Management and Budget.

(b) CONTENT OF STATUS REPORTS.—The status reports required by subsection (a) shall include the following information:

(1) The estimated residual value of United States capital improvements to facilities in Germany that the United States has turned over to Germany;

(2) The actual value obtained by the United States for each facility or installation turned over to Germany;

(3) The reasons for any difference between the estimated and actual value obtained.

SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—Congress makes the following findings:


(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services.

(3) Reuse of the Fitzsimons Army Medical Center at the earliest opportunity would provide significant benefit to the cities of Aurora, Colorado, and Denver, Colorado.

(4) Reuse of the Fitzsimons Army Medical Center by the communities in the vicinity of the center will ensure that the center is fully utilized, thereby providing a benefit to such communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) determinations as to the use by other departments and agencies of the Federal Government of buildings and property at military installations approved for closure under the Defense Base Closure and Realignment Act of 1990, including Fitzsimons Army Medical Center, Colorado, should be completed as soon as practicable;
(2) the Secretary of Defense should consider the expedited transfer of appropriate facilities (including facilities that remain operational) at such installations to the redevelopment authorities for such installations in order to ensure continuity of use of such facilities after the closure of such installations, in particular, the Secretary should consider the expedited transfer of the Fitzsimons Army Medical Center because of the significant preparation underway by the redevelopment authority concerned;

(3) the Secretary should not enter into leases with redevelopment authorities for facilities at such installations until the Secretary determines that such leases fall within the categorical exclusions established by the Secretary pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the closure and redevelopment of Fitzsimons Army Medical Center.

(2) The report shall include the following:

(A) The results of the determinations as to the use of buildings and property at Fitzsimons Army Medical Center by other departments and agencies of the Federal Government under section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990.

(B) A description of any actions taken to expedite such determinations.

(C) A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.

(D) A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.

(E) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army.

(F) The results of the environmental baseline survey regarding Fitzsimons Army Medical Center and a finding of suitability or nonsuitability.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

SEC. 2901. SHORT TITLE.

This title may be cited as the “Illinois Land Conservation Act of 1995”.

SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES.—The term “agricultural purposes” means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL.—The term “Arsenal” means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT.—The term “Arsenal land use concept” means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.
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(7) HAZARDOUS SUBSTANCE.—The term “hazardous substance” has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP.—The term “MNP” means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON.—The term “person” has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT.—The term “pollutant or contaminant” has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE.—The term “release” has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION.—The term “response action” has the meaning given the term “response” by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private
organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—
Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) GENERAL RULE FOR TRANSFER OF JURISDICTION.—

(1) TRANSFER REQUIRED SUBJECT TO RESPONSE ACTIONS.—

Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that—

(A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and

(B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) EFFECT OF LESS THAN COMPLETE TRANSFER.—If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—

For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(b) SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN PARCELS.—

Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site I. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.
hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) Documentation of Environmental Condition of Parcels; Assessment of Required Actions Under Other Environmental Laws.—

(1) Documentation.—The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) Assessment.—The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) Time for Submission of Documentation and Assessment.—The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted—

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) Submission of Additional Information.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) Effect of Environmental Assessment.—

(1) Authority of Secretary of Agriculture to Decline Immediate Transfer.—If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) Eventual Transfer.—In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have Memorandum.
been taken and the terms of any memorandum of understanding have been satisfied.

(e) Identification of Arsenal Property for Transfer.—

(1) Map of Proposed Transfers.—The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment.

(2) Method of Effecting Transfer.—The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) Surveys.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 2913. Responsibility and Liability.

(a) Continued Liability of Secretary of the Army.—The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) Special Protections for Secretary of Agriculture.—The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) Liability of Other Persons.—Nothing in this title shall be construed to affect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.
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(d) Payment of Response Action Costs.—A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) Consultation.—

(1) Responsibility of Secretary of Agriculture.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) Responsibility of Secretary of the Army.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) Establishment.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 2912(b) or 2916 or acquired under section 2914(d).

(b) Administration.—

(1) In general.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) Initial management activities.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) Land and resource management plan.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.
(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—


(2) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing in this title shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments
owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13 of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the “MNP Rental Fee Account”). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the “Midewin National Tallgrass Prairie Restoration Fund”). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.
SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—The following areas of the Arsenal may be transferred under this section:

(1) Study Area 2, explosive burning ground.
(2) Study Area 3, flashing ground.
(3) Study Area 4, lead azide area.
(4) Study Area 10, toluene tank farms.
(5) Study Area 11, landfill.
(6) Study Area 12, sellite manufacturing area.
(7) Study Area 14, former pond area.
(8) Study Area 15, sewage treatment plan.
(9) Study Area L1, load assemble packing area, group 61.
(10) Study Area L4, landfill area.
(11) Study Area L7, group 1.
(12) Study Area L8, group 2.
(13) Study Area L9, group 3.
(14) Study Area L10, group 3A.
(15) Study Area L14, group 4.
(16) Study Area L15, group 5.
(17) Study Area L18, group 8.
(18) Study Area L19, group 9.
(19) Study Area L33, PVC area.
(20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) INFORMATION REGARDING ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) INFORMATION.—Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) ASSESSMENT.—At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

(3) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) OFFER OF TRANSFER.—Not later than 180 days after the date on which information is provided under subsection (b)(1) with regard to a parcel of the Arsenal property described in subsection (a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the parcel, without reimbursement, to be added to the Midewin National Tallgrass Prairie. The transfer shall be subject to the terms and conditions of this subtitle, including the liability provisions contained in section 2913. The Secretary of Agriculture has the option to accept or
decline the offered transfer. The transfer of property under this section may be made on a parcel-by-parcel basis.

(d) **EFFECT OF ENVIRONMENTAL ASSESSMENT.**—

(1) **AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE TRANSFER.**—If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary of Agriculture may decline immediate transfer of the parcel and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) **EVENTUAL TRANSFER.**—The Secretary of Agriculture may accept or decline at any time for any reason the transfer of a parcel covered by this section. However, if the Secretary of Agriculture and the Secretary of the Army enter into a memorandum of understanding under paragraph (1) providing for transfer of the parcel, the Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) **RULE OF CONSTRUCTION REGARDING CONCURRENCES.**—For the purpose of the reaching the concurrence required by subsection (b)(1), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) **INCLUSIONS AND EXCEPTIONS.**—

(1) **INCLUSIONS.**—The parcels of Arsenal property described in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the manufacturing and load assembly and packing sites of the Arsenal as shown in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant, Joliet, Illinois (May 30, 1993, Contract No. DAAA15-90-D-0015 task order No. 6 prepared for the United States Army Environmental Center).

(2) **EXCEPTION.**—The parcels described in subsection (a) shall not include the property at the Arsenal designated for transfer or conveyance under subtitle B.

### Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

**SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.**

(a) **CONVEYANCE AUTHORIZED.**—Subject to section 2931, the Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of the Department of Veterans Affairs.
Department of Veterans Affairs under chapter 24 of title 38, United States Code.

(b) Description of Property.—The real property authorized to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31, Jackson Township, Township 34 North, Range 10 East, and part of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) Security Measures.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) Surveys.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) Conveyance Authorized.—Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) Description of Property.—The real property authorized to be conveyed under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 16, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) Condition on Conveyance.—The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or their agents or assigns) may use the landfill established on the real property conveyed under subsection (a) for the disposal of construction debris, refuse, and other materials related to any restoration and cleanup of Arsenal property. Such use shall be subject to applicable environmental laws and at no cost to the Federal Government.

(d) Reversionary Interest.—If, at the end of the five-year period beginning on the date of the conveyance under subsection (a), the Secretary of Agriculture determines that the conveyed property is not opened for operation as a landfill, then, at the option of the Secretary of Agriculture, all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. Upon any such reversion, the property shall be included in the Midewin National Tallgrass Prairie. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property.

(e) Information Regarding Environmental Conditions.—At the request of the Secretary of Agriculture, Will County, the Secretary of the Army, and the Administrator shall provide to the Secretary of Agriculture all information in their possession at the time of the request regarding the environmental condition of the real property to be conveyed under this section. The liability and responsibility of any person under any environmental law
shall remain unchanged with respect to the landfill, except as provided in this title, including section 2913.

(f) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by Will County, Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR INDUSTRIAL PARKS.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey to the State of Illinois, all right, title, and interest of the United States in and to the parcels of real property at the Arsenal described in subsection (b), which shall be used as industrial parks to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property at the Arsenal authorized to be transferred under subsection (a) consists of the following parcels:

(1) A parcel of approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511 feet by 596 feet around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal land use concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993.

(2) A parcel of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, and 18 in Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONSIDERATION.—

(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the State of Illinois shall pay to the United States an amount equal to fair market value of the conveyed property as of the time of the conveyance.

(2) EFFECT OF RECONVEYANCE BY STATE.—If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).
(5) **Deposit of proceeds.**—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(d) **Conditions of conveyance.**—

(1) **Redevelopment authority.**—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) **Time for establishment.**—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) **Surveys.**—All costs of necessary surveys for the conveyance of real property under this section shall be borne by the State of Illinois.

(f) **Additional terms and conditions.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**Subtitle C—Miscellaneous Provisions**

**SEC. 2931. Degree of environmental cleanup.**

(a) **In general.**—Nothing in this title shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) **Response action.**—The establishment of the Midewin National Tallgrass Prairie under subtitle A and the additional real property transfers or conveyances authorized under subtitle B shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any action required under any environmental law to remEDIATE petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) **Environmental quality of property.**—Any contract for sale, deed, or other transfer of real property under subtitle B shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

**SEC. 2932. Retention of property used for environmental cleanup.**

(a) **Retention of certain property.**—Unless and until the Arsenal property described in this subsection is actually transferred or conveyed under this title or other applicable law, the Secretary of the Army may retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(1) water treatment;

(2) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(3) other purposes related to any response action at the Arsenal; and

(4) other actions required at the Arsenal under any environmental law to remEDIATE contamination or conditions of noncompliance with any environmental law.

(b) **Conditions.**—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this section and
ensure that activities carried out on that property are consistent,
to the extent practicable, with the purposes for which the Midewin
National Tallgrass Prairie is established, as specified in section
2914(c), and with the other provisions of sections 2914 and 2915.

(c) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict
between management of the property by the Secretary of Agri-
culture and any response action required under CERCLA, or any
other action required under any other environmental law, including
actions to remediate petroleum products or their derivatives, the
response action or other action shall take priority.

DIVISION C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs
Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) Stockpile Stewardship.—Subject to subsection (d), funds
are hereby authorized to be appropriated to the Department of
Energy for fiscal year 1996 for stockpile stewardship in carrying
out weapons activities necessary for national security programs
in the amount of $1,567,175,000, to be allocated as follows:

1. For core stockpile stewardship, $1,159,708,000, to be
allocated as follows:

(A) For operation and maintenance, $1,078,403,000.
(B) For plant projects (including maintenance, restora-
tion, planning, construction, acquisition, modification of
facilities, and the continuation of projects authorized in
prior years, and land acquisition related thereto),
$81,305,000, to be allocated as follows:

Project 96-D-102, stockpile stewardship facilities
revitalization, Phase VI, various locations, $2,520,000.

Project 96-D-103, ATLAS, Los Alamos National
Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96-D-104, processing and environmental
technology laboratory (PETL), Sandia National Labora-
tories, Albuquerque, New Mexico, $1,800,000.

Project 96-D-105, contained firing facility addi-
tion, Lawrence Livermore National Laboratory, Liver-
more, California, $6,600,000.

Project 95-D-102, Chemical and Metallurgy
Research Building upgrades project, Los Alamos
National Laboratory, Los Alamos, New Mexico,
$9,940,000.

Project 94-D-102, nuclear weapons research,
development, and testing facilities revitalization, Phase
V, various locations, $12,200,000.

Project 93-D-102, Nevada support facility, North
Las Vegas, Nevada, $15,650,000.

Project 90-D-102, nuclear weapons research,
development, and testing facilities revitalization, Phase
III, various locations, $6,200,000.

Project 88-D-106, nuclear weapons research,
development, and testing facilities revitalization, Phase
II, various locations, $17,995,000.
(2) For inertial fusion, $240,667,000, to be allocated as follows:
   (A) For operation and maintenance, $203,267,000.
   (B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $37,400,000:
      Project 96-D-111, national ignition facility, location to be determined, $37,400,000.
(3) For technology transfer and education, $160,000,000.
(4) For Marshall Islands, $6,800,000.

(b) Stockpile Management.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,025,083,000, to be allocated as follows:
   (1) For operation and maintenance, $1,911,458,000.
   (2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:
      Project 96-D-122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.
      Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, $3,100,000.
      Project 96-D-125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.
      Project 96-D-126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.
      Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, $6,300,000.
      Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $8,700,000.
      Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.
      Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.
      Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.
      Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $7,200,000.
      Project 93-D-123, complex-21, various locations, $41,065,000.
      Project 88-D-122, facilities capability assurance program, various locations, $8,660,000.
      Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.
(c) Program Direction.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $115,000,000.
(d) Adjustments.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—
   (1) $37,200,000, for savings resulting from procurement reform; and
   (2) $209,744,000, for use of prior year balances.
SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,635,973,000.

(b) WASTE MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,470,598,000, to be allocated as follows:

1. For operation and maintenance, $2,295,994,000.
2. For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $174,604,000, to be allocated as follows:
   - Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $42,000,000.
   - Project 96-D-408, waste management upgrades, various locations, $5,615,000.
   - Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.
   - Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Phase III, Y-12 Plant, Oak Ridge, Tennessee, $4,300,000.
   - Project 95-D-406, road 5-01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.
   - Project 95-D-407, 219-S secondary containment upgrade, Richland Washington, $1,000,000.
   - Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.
   - Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.
   - Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.
   - Project 94-D-407, initial tank retrieval systems, Richland, Washington, $12,000,000.
   - Project 94-D-411, solid waste operation complex, Richland, Washington, $6,606,000.
   - Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $5,000,000.
   - Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.
   - Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $19,700,000.
   - Project 92-D-171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.
   - Project 92-D-188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.
Project 90-D-172, aging waste transfer lines, Richland, Washington, $2,000,000.
Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.
Project 90-D-178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.
Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $800,000.
Project 89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.
Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.
Project 83-D-148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $440,510,000.

(d) TRANSPORTATION MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $13,158,000.

(e) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,561,854,000 to be allocated as follows:

(1) For operation and maintenance, $1,447,108,000.
(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $114,746,000, to be allocated as follows:

    Project 96-D-457, thermal treatment system, Richland Washington, $1,000,000.
    Project 96-D-458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.
    Project 96-D-461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.
    Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.
    Project 96-D-468, residue elimination project, Rocky Flats Plant, Golden, Colorado, $33,100,000.
    Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.
    Project 95-D-155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,900,000.
    Project 95-D-156, radio trunking system, Savannah River Site, South Carolina, $6,000,000.
    Project 95-D-454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.
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Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.
Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.
Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,000,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.
Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

(f) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $46,251,000, to be allocated as follows:

(1) For operation and maintenance, $31,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of a project authorized in prior years, and land acquisition related thereto):
   Project 95–E–600, hazardous materials training center, Richland, Washington, $15,000,000.

(g) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $78,522,000.

(h) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (g) reduced by the sum of—

(1) $652,334,000, for use of prior year balances; and
(2) $37,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,351,975,600, to be allocated as follows:

(1) For verification and control technology, $428,205,600, to be allocated as follows:
   (A) For nonproliferation and verification research and development, $224,905,000.
   (B) For arms control, $160,964,600.
   (C) For intelligence, $42,336,000.
(2) For nuclear safeguards and security, $83,395,000.
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(3) For security investigations, $20,000,000.
(4) For security evaluations, $14,707,000.
(5) For the Office of Nuclear Safety, $17,679,000.
(6) For worker and community transition assistance, $82,500,000.
(7) For fissile materials disposition, $70,000,000.
(8) For emergency management, $23,321,000.
(9) For naval reactors development, $682,168,000, to be allocated as follows:
   (A) For operation and infrastructure, $652,568,000.
   (B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $29,600,000, to be allocated as follows:
      Project GPN–101, general plant projects, various locations, $6,600,000.
      Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.
      Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.
      Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.
      Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,000,000.
(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by $70,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $248,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—
   (1) in amounts that exceed, in a fiscal year—
      (A) 110 percent of the amount authorized for that program by this title; or
      (B) $1,000,000 more than the amount authorized for that program by this title; or
   (2) which has not been presented to, or requested of, Congress.
(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.
   (2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.
(c) Limitations.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy; Limitations.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.
(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management
and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.
When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSION MATERIALS.
(a) Authority.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fission materials in Russia.

(b) Semi-Annual Reports on Obligation of Funds.—(1) Not later than 30 days after the date of the enactment of this Act, and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

(2) Each such report shall specify—
(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;
(B) the amount of the obligation;
(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and
(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).

SEC. 3132. NATIONAL IGNITION FACILITY.
None of the funds authorized to be appropriated pursuant to this title for construction of the National Ignition Facility may be obligated until—
(1) the Secretary of Energy determines that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and
(2) the Secretary of Energy notifies the congressional defense committees of that determination.

SEC. 3133. TRITIUM PRODUCTION PROGRAM.
(a) Establishment of Program.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall—
(1) complete the tritium supply and recycling environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and
(2) assess alternative means for tritium production, including production through—
(A) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the pluto-
nium disposition requirements of the United States for nuclear weapons;
(B) an accelerator; and
(C) multipurpose reactor projects carried out by the private sector and the Government.

(b) Funding.—Of funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $50,000,000 shall be available for the tritium production program established pursuant to subsection (a).

(c) Location of Tritium Production Facility.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(d) Cost-Benefit Analysis.—(1) The Secretary shall include in the statements referred to in paragraph (2) a comparison of the costs and benefits of carrying out two projects for the separate performance of the tritium production mission of the Department and the plutonium disposition mission of the Department with the costs and benefits of carrying out one multipurpose project for the performance of both such missions.
(2) The statements referred to in paragraph (1) are—
(A) the environmental impact statement referred to in subsection (a)(1);
(B) the plutonium disposition environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and
(C) assessments related to the environmental impact statements referred to in subparagraphs (A) and (B).

(e) Report.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the tritium production program established pursuant to subsection (a). The report shall include a specification of—
(1) the planned expenditures of the Department during fiscal year 1996 for any of the alternative means for tritium production assessed under subsection (a)(2);
(2) the amount of funds required to be expended by the Department, and the program milestones (including feasibility demonstrations) required to be met, during fiscal years 1997 through 2001 to ensure tritium production beginning not later than 2005 that is adequate to meet the tritium requirements of the United States for nuclear weapons; and
(3) the amount of such funds to be expended and such program milestones to be met during such fiscal years to ensure such tritium production beginning not later than 2011.

(f) Tritium Targets.—Of the funds made available pursuant to subsection (b), not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the types of reactors assessed under subsection (a)(2)(A).

SEC. 3135. FISSILE MATERIALS DISPOSITION.

(a) In General.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 pursuant to section 3103, $70,000,000 shall be available only for purposes of
completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition (including storage and disposition through the use of advanced light water reactors and gas turbine gas-cooled reactors) of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States.

(b) Availability of Funds for Multipurpose Reactors.—Of funds made available pursuant to subsection (a), sufficient funds shall be made available for the complete consideration of multipurpose reactors for the disposition of fissile materials in the programmatic environmental impact statement of the Department.

(c) Limitation.—Of funds made available pursuant to subsection (a), $10,000,000 shall be available only for a plutonium resource assessment.

SEC. 3136. TRITIUM RECYCLING.

(a) In General.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

1. All tritium recycling for weapons, including tritium refitting.
2. All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) Exception.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

1. Research on tritium.
2. Work on tritium in support of the defense inertial confinement fusion program.
3. Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR REFabrication AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) Manufacturing Program.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

1. To provide a stockpile surveillance engineering base.
2. To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.
3. To fabricate and certify new nuclear warheads, as necessary.
4. To support nuclear weapons.
5. To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) Required Capabilities.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

1. The weapons assembly capabilities of the Pantex Plant.
2. The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.
3. The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.
4. The non-nuclear component capabilities of the Kansas City Plant.

(c) Nuclear Posture Review.—For purposes of subsection (a), the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.
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(d) **FUNDING.**—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

1. $35,000,000 shall be available for activities at the Pantex Plant;
2. $30,000,000 shall be available for activities at the Y–12 Plant, Oak Ridge, Tennessee;
3. $35,000,000 shall be available for activities at the Savannah River Site; and
4. $43,000,000 shall be available for activities at the Kansas City Plant.

(e) **PLAN AND REPORT.**—The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

SEC. 3138. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available to prepare for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site, Nevada. The purpose of the program shall be to maintain confidence in the reliability and safety of the nuclear weapons stockpile.

SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT HYDRONUCLEAR TESTS.

Nothing in this Act may be construed to authorize the conduct of hydronuclear tests or to amend or repeal the requirements of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1343; 42 U.S.C. 2121 note).

SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) **IN GENERAL.**—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

1. provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;
2. employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or
3. provide eligible individuals with the assistance and the employment.

(b) **ELIGIBLE INDIVIDUALS.**—Individuals eligible for participation in the fellowship program are the following:

1. Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.
2. Individuals engaged in postdoctoral studies in such fields.

(c) **COVERED FACILITIES.**—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

1. The Kansas City Plant, Kansas City, Missouri.
2. The Pantex Plant, Amarillo, Texas.
4. The Savannah River Site, Aiken, South Carolina.
(d) **ADMINISTRATION.**—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) **ALLOCATION OF FUNDS.**—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) **FUNDING.**—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

**SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.**

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

**SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.**

(a) **PROCESSING OF SPENT NUCLEAR FUEL RODS.**—Of the amounts appropriated pursuant to section 3102, there shall be available to the Secretary of Energy to respond effectively to new requirements for managing spent nuclear fuel—

(1) not more than $30,000,000, for the Savannah River Site for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with aluminum clad spent fuel rods and foreign spent fuel rods; and

(2) not more than $15,000,000, for the Idaho National Engineering Laboratory for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste and spent nuclear fuel (including naval spent nuclear fuel), nonaluminum clad fuel rods, and foreign fuel rods for interim storage and final disposition.

(b) **IMPLEMENTATION PLAN.**—Not later than April 30, 1996, the Secretary shall submit to Congress a five-year plan for the implementation of the programs referred to in subsection (a). The plan shall include—

(1) an assessment of the facilities required to be constructed or upgraded to carry out the processing, separation, reduction, isolation and interim storage of high-level nuclear waste;

(2) a description of the technologies, including stabilization technologies, that are required to be developed for the efficient conduct of the programs;

(3) a projection of the dates upon which activities under the programs are sufficiently completed to provide for the transfers of such waste to permanent repositories; and

(4) a projection of the total cost to complete the programs.

(c) **ELECTROMETALLURGICAL WASTE TREATMENT TECHNOLOGIES.**—Of the amount appropriated pursuant to section 3102(c), not more than $25,000,000 shall be available for development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.
(d) Use of Funds for Settlement Agreement.—Funds made available pursuant to subsection (a)(2) for the Idaho National Engineering Laboratory shall be considered to be funds made available in partial fulfillment of the terms and obligations set forth in the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement.

SEC. 3143. Protection of Workers at Nuclear Weapons Facilities.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.


Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

Subtitle D—Other Matters


(a) Report.—Not later than May 1, 1996, the President shall submit to the congressional defense committees a report on the feasibility of, the cost of, and the policy, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

(b) Form of Report.—The report shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3152. Study on Nuclear Test Readiness Postures.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the costs, programmatic issues, and other issues associated with sustaining the capability of the Department of Energy—

(1) to conduct an underground nuclear test 6 months after the date on which the President determines that such a test is necessary to ensure the national security of the United States;

(2) to conduct such a test 18 months after such date; and

(3) to conduct such a test 36 months after such date.


(a) Master Plan Requirement.—Not later than March 15, 1996, the President shall submit to Congress a master plan for maintaining the nuclear weapons stockpile. The President shall submit to Congress an update of the master plan not later than March 15 of each year thereafter.

(b) Plan Elements.—The master plan and each update of the master plan shall set forth the following:
(1) The numbers of weapons (including active and inactive weapons) for each type of weapon in the nuclear weapons stockpile.

(2) The expected design lifetime of each weapon type, the current age of each weapon type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon type.

(3) An estimate of the lifetime of the nuclear and non-nuclear components of the weapons (including active weapons and inactive weapons) in the nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active and inactive weapons) in the nuclear weapons stockpile and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship and management programs, including a detailed project plan that demonstrates the manner by which the Government will develop by 2002 the capability to refabricate and certify warheads in the nuclear weapons stockpile and to design, fabricate, and certify new warheads.

(c) Form of Plan.—The master plan and each update of the master plan shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3154. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) Prohibition on Inspections.—(1) The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no restricted data will be revealed during such inspection.

(2) For purposes of paragraph (1), the term “restricted data” has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).


SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.

(a) In General.—The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains restricted data.

(b) Limitation on Declassification.—The Secretary may not implement the automatic declassification provisions of Executive Order 12958 if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing restricted data.

(c) Restricted Data Defined.—In this section, the term “restricted data” has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).
SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental restoration and waste management activities and projects for a site at a Department of Energy defense nuclear facility if the Secretary determines that such an accelerated schedule will achieve meaningful, long-term cost savings to the Federal Government and could substantially accelerate the release of land for local reuse.

(b) CONSIDERATION OF FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The cost savings achievable by the Federal Government.
(2) The amount of time for completion of environmental restoration and waste management activities and projects at the site that can be reduced from the time specified for completion of such activities and projects in the baseline environmental management report required to be submitted for 1995 under section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k).
(3) The potential for reuse of the site.
(4) The risks that the site poses to local health and safety.
(5) The proximity of the site to populated areas.

(c) REPORT.—Not later than May 1, 1996, the Secretary shall submit to Congress a report on each site for which the Secretary has accelerated the schedule for environmental restoration and waste management activities and projects under subsection (a). The report shall include an explanation of the basis for the determination for that site required by such subsection, including an explanation of the consideration of the factors described in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect a specific statutory requirement for a specific environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment.

SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

(1) an individual acting within the scope of that individual’s employment with a Federal agency should not be personally subject to civil or criminal sanctions (to the extent such sanctions are provided for by law) as a result of the failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under a comparable Federal, State, or local law, in any circumstance under which such failure to comply is due to an insufficiency of funds appropriated to carry out such requirement;
(2) Federal and State enforcement authorities should refrain from an enforcement action in a circumstance described in paragraph (1); and
(3) if funds appropriated for a fiscal year after fiscal year 1995 are insufficient to carry out any such environmental cleanup requirement, Congress should elicit the views of Federal agencies, affected States, and the public, and consider appropriate legislative action to address personal criminal liability in a circumstance described in paragraph (1) and any related issues pertaining to potential liability of a Federal agency.
SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) In General.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) Required Detail.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(c) Definition.—In this section, the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.

(a) Report.—The Secretary of Energy shall direct the joint preparation by the Directors of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages with respect to the safety and reliability of the nuclear weapons stockpile of permitting alternative limits to the current limit on the explosive yield of hydronuclear and other explosive tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).
(2) 400 pounds (TNT equivalent).
(3) 4,000 pounds (TNT equivalent).
(4) 40,000 pounds (TNT equivalent).
(5) 400 tons (TNT equivalent).

(b) Funding.—The Secretary shall make available funds appropriated to the Department of Energy pursuant to section 3101 for preparation of the report required under subsection (a).

SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) Date of Transfer of Utilities.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(b) Date of Transfer of Municipal Installations.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(c) Recommendation for Further Assistance Payments.—Section 91d. of such Act (42 U.S.C. 2391) is amended—

(1) by striking out “, and the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico” and inserting in lieu thereof “; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico”; and
(2) by adding at the end the following new sentence: "If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.”.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—
(1) by striking out “June 30, 1996” each place it appears in the proviso in the first sentence and inserting in lieu thereof “June 30, 1997”; and
(2) by striking out “July 1, 1996” in the second sentence and inserting in lieu thereof “July 1, 1997”.

SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL.

(a) FINDINGS.—Congress makes the following findings:
(1) The United States has entered into a settlement agreement with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91±0035±S±EJ L, and United States v. Batt, Civil No. 91±0054±S±EJ L, in the United States District Court for the District of Idaho, regarding shipment of naval spent nuclear fuel to Idaho, examination and storage of such fuel in Idaho, and other matters.
(2) Under this court enforceable agreement—
(A) the State of Idaho has agreed—
(i) to accept 575 shipments of naval spent nuclear fuel from the Navy into Idaho between October 17, 1995 and 2035;
(ii) to accept certain shipments of spent nuclear fuel from the Department of Energy into Idaho between October 17, 1995 and 2035; and
(iii) to allow the Navy and the Department of Energy, on an interim basis, to store the spent nuclear fuel in Idaho over the next 40 years; and
(B) the United States has made commitments—
(i) to remove all spent nuclear fuel (except certain quantities for testing) from Idaho by 2035; and
(ii) to facilitate the cleanup and stabilization of radioactive waste at the Idaho National Engineering Laboratory.
(3) The settlement agreement allows the Department of Energy and the Department of the Navy to meet responsibilities that are important to the national security interests of the United States.
(4) Authorizations and appropriations of funds will be necessary in order to provide for fulfillment of the terms and obligations set forth in the settlement agreement.

(b) SENSE OF CONGRESS.—(1) Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement referred to in subsection (a)(1) and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement in accordance with those terms, conditions, rights, and obligations.
(2) It is the sense of Congress that funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.
TITeL XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITeL XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorization of Disposals and Use of Funds

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:


(2) The term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) DOMESTIC UPGRADE.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADE DEFINED.—For purposes of this section, the term “domestic ferroalloy upgrader” means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and
(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material.

(c) DOMESTIC FERROALLOY PRODUCER DEFINED.—For purposes of this section, the term “domestic ferroalloy producer” means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

Subtitle B—Programmatic Change

SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MATERIALS TO STOCKPILE FOR DISPOSAL.

(a) TRANSFER AND DISPOSAL.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new subsection:

“(c)(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

“(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following:

“(10) Materials transferred to the stockpile under subsection (c).”.
TITLE XXXIV—NAVAL PETROLEUM RESERVES

Subtitle A—Administration of Naval Petroleum Reserves

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $148,786,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended. Of the amount appropriated pursuant to the authorization of appropriations in the preceding sentence, the Secretary may use not more than $7,000,000 for carrying out activities related to the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3403. EXTENSION OF OPERATING CONTRACT FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3503 of the National Defense Authorization Act of Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3111) is amended by striking out “two years” in the first sentence and inserting in lieu thereof “three years”.

Subtitle B—Sale of Naval Petroleum Reserve

SEC. 3411. DEFINITIONS.

For purposes of this subtitle:

(1) The terms “Naval Petroleum Reserve Numbered 1” and “reserve” mean Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912.

(2) The term “naval petroleum reserves” has the meaning given that term in section 7420(2) of title 10, United States Code, except that the term does not include Naval Petroleum Reserve Numbered 1.

(3) The term “unit plan contract” means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

(4) The term “effective date” means the date of the enactment of this Act.

(5) The term “Secretary” means the Secretary of Energy.

(6) The term “appropriate congressional committees” means the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives.
SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) SALE OF RESERVE REQUIRED.—Subject to section 3414, not later than two years after the effective date, the Secretary of Energy shall enter into one or more contracts for the sale of all right, title, and interest of the United States in and to all lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1. Chapter 641 of title 10, United States Code, shall not apply to the sale of the reserve.

(b) EQUITY FINALIZATION.—(1) Not later than eight months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in Naval Petroleum Reserve Numbered 1 in accordance with the recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, the dispute shall be resolved in the manner provided in the unit plan contract within eight months after the effective date. The resolution shall be considered final for all purposes under this section.

(c) NOTICE OF SALE.—Not later than two months after the effective date, the Secretary shall publish a notice of intent to sell Naval Petroleum Reserve Numbered 1. The Secretary shall make all technical, geological, and financial information relevant to the sale of the reserve available to all interested and qualified buyers upon request. The Secretary, in consultation with the Administrator of General Services, shall ensure that the sale process is fair and open to all interested and qualified parties.

(d) ESTABLISHMENT OF MINIMUM SALE PRICE.—(1) Not later than seven months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the value of the interest of the United States in Naval Petroleum Reserve Numbered 1. The independent experts shall complete their assessments within 11 months after the effective date. In making their assessments, the independent experts shall consider (among other factors)—

(A) all equipment and facilities to be included in the sale;

(B) the estimated quantity of petroleum and natural gas in the reserve; and

(C) the net present value of the anticipated revenue stream that the Secretary and the Director of the Office of Management and Budget jointly determine the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold.

(2) The independent experts retained under paragraph (1) shall also determine and submit to the Secretary the estimated total amount of the cost of any environmental restoration and remediation necessary at the reserve. The Secretary shall report the estimate to the Director of the Office of Management and Budget, the Secretary of the Treasury, and Congress.

(3) The Secretary, in consultation with the Director of the Office of Management and Budget, shall set the minimum acceptable price for the reserve. The Secretary may not set the minimum acceptable price below the higher of—

(A) the average of the five assessments prepared under paragraph (1); and
(B) the average of three assessments after excluding the high and low assessments.

(e) Administration of Sale; Draft Contract.—(1) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker or an appropriate equivalent financial adviser to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section. Costs and fees of retaining the investment banker or financial adviser may be paid out of the proceeds of the sale of the reserve.

(2) Not later than 11 months after the effective date, the investment banker or financial adviser retained under paragraph (1) shall complete a draft contract or contracts for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the solicitation of offers and describe the terms and provisions of the sale of the interest of the United States in the reserve.

(3) The draft contract or contracts shall identify—
   (A) all equipment and facilities to be included in the sale; and
   (B) any potential claim or liability (including liability for environmental restoration and remediation), and the extent of any such claim or liability, for which the United States is responsible under subsection (g).

(4) The draft contract or contracts, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget. Each of those officials shall complete the review of, and approve or disapprove, the draft contract or contracts not later than 12 months after the effective date.

(f) Solicitation of Offers.—(1) Not later than 13 months after the effective date, the Secretary shall publish the solicitation of offers for Naval Petroleum Reserve Numbered 1.

(2) Not later than 18 months after the effective date, the Secretary shall identify the highest responsible offer or offers for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that, in total, meet or exceed the minimum acceptable price determined under subsection (d)(3).

(3) The Secretary shall take such action immediately after the effective date as is necessary to obtain from an independent petroleum engineer within 10 months after that date a reserve report prepared in a manner consistent with commercial practices. The Secretary shall use the reserve report in support of the preparation of the solicitation of offers for the reserve.

(g) Future Liabilities.—To effectuate the sale of the interest of the United States in Naval Petroleum Reserve Numbered 1, the Secretary may extend such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser from claims arising from the ownership in the reserve by the United States.

(h) Maintaining Production.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract.

(i) Noncompliance With Deadlines.—At any time during the two-year period beginning on the effective date, if the Secretary determines that the actions necessary to complete the sale of the reserve within that period are not being taken or timely completed, the Secretary shall transmit to the appropriate congressional committees a written notification of that determination together with a plan setting forth the actions that will be taken to ensure...
that the sale of the reserve will be completed within that period. The Secretary shall consult with the Director of the Office of Management and Budget in preparing the plan for submission to the committees.

(j) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the appropriate congressional committees any findings on such actions that the Comptroller General considers appropriate to report to the committees.

(k) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

SEC. 3413. EFFECT OF SALE OF RESERVE.

(a) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of the production shall not exceed the anticipated closing date for the sale of the reserve.

(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE-AC01-85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve.

(b) EFFECT ON ANTITRUST LAWS.—Nothing in this subtitle shall be construed to alter the application of the antitrust laws of the United States to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under section 3412 upon the completion of the sale.

(c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this subtitle shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

(d) TRANSFER OF OTHERWISE NONTRANSFERABLE PERMIT.—The Secretary may transfer to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 the incidental take permit regarding the reserve issued to the Secretary by the United States Fish and Wildlife Service and in effect on the effective date if the Secretary determines that transfer of the permit is necessary to expedite the sale of the reserve in a manner that maximizes the value of the sale to the United States. The transferred permit shall cover the identical activities, and shall be subject to the same terms and conditions, as apply to the permit at the time of the transfer.

SEC. 3414. CONDITIONS ON SALE PROCESS.

(a) NOTICE REGARDING SALE CONDITIONS.—The Secretary may not enter into any contract for the sale of Naval Petroleum Reserve Numbered 1 under section 3412 until the end of the 31-day period
beginning on the date on which the Secretary submits to the appropriate congressional committees a written notification—

(1) describing the conditions of the proposed sale; and
(2) containing an assessment by the Secretary of whether it is in the best interests of the United States to sell the reserve under such conditions.

(b) AUTHORITY TO SUSPEND SALE.—(1) The Secretary may suspend the sale of Naval Petroleum Reserve Numbered 1 under section 3412 if the Secretary and the Director of the Office of Management and Budget jointly determine that—

(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve; or

(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States.

(2) Immediately after making a determination under paragraph (1) to suspend the sale of Naval Petroleum Reserve Numbered 1, the Secretary shall submit to the appropriate congressional committees a written notification describing the basis for the determination and requesting a reconsideration of the merits of the sale of the reserve.

(c) EFFECT OF RECONSIDERATION NOTICE.—After the Secretary submits a notification under subsection (b), the Secretary may not complete the sale of Naval Petroleum Reserve Numbered 1 under section 3412 or any other provision of law unless the sale of the reserve is authorized in an Act of Congress enacted after the date of the submission of the notification.

SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING RESERVE.

(a) RESERVATION OF FUNDS.—After the costs incurred in the conduct of the sale of Naval Petroleum Reserve Numbered 1 under section 3412 are deducted, nine percent of the remaining proceeds from the sale of the reserve shall be reserved in a contingent fund in the Treasury for payment to the State of California for the Teachers' Retirement Fund of the State in the event that, and to the extent that, the claims of the State against the United States regarding production and proceeds of sale from Naval Petroleum Reserve Numbered 1 are—

(1) settled by agreement with the United States under subsection (c); or

(2) finally resolved in favor of the State by a court of competent jurisdiction, if a settlement agreement is not reached.

(b) DISPOSITION OF FUNDS.—In such amounts as may be provided in appropriation Acts, amounts in the contingent fund shall be available for paying a claim described in subsection (a). After final disposition of the claims, any unobligated balance in the contingent fund shall be credited to the general fund of the Treasury. If no payment is made from the contingent fund within 10 years after the effective date, amounts in the contingent fund shall be credited to the general fund of the Treasury.

(c) SETTLEMENT OFFER.—Not later than 30 days after the date of the sale of Naval Petroleum Reserve Numbered 1 under section 3412, the Secretary shall offer to settle all claims of the State of California against the United States with respect to lands in the reserve located in sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, and production or proceeds of sale from the reserve, in order to provide proper compensation for the State's claims. The Secretary shall base the amount of the offered settlement payment from the contingent fund on the fair value for the State's claims, including the mineral estate, not to exceed the amount reserved in the contingent fund.

(d) RELEASE OF CLAIMS.—Acceptance of the settlement offer made under subsection (c) shall be subject to the condition that
all claims against the United States by the State of California for the Teachers' Retirement Fund of the State be released with respect to lands in Naval Petroleum Reserve Numbered 1, including sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, or production or proceeds of sale from the reserve.

SEC. 3416. STUDY OF FUTURE OF OTHER NAVAL PETROLEUM RESERVES.

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which of the following options, or combinations of options, regarding the naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1) would maximize the value of the reserves to the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency for administration under chapter 641 of title 10, United States Code.

(3) Transfer of all or a part of the naval petroleum reserves to the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the value to be derived by the United States from the transfer or sale of the naval petroleum reserves shall include an assessment and estimate of the fair market value of the interest of the United States in the naval petroleum reserves. The assessment and estimate shall be made in a manner consistent with customary property valuation practices in the oil and gas industry.

(d) REPORT AND RECOMMENDATIONS REGARDING STUDY.—Not later than June 1, 1996, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations (including proposed legislation) as the Secretary considers necessary to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to the United States.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 1996”.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.
(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which—

(1) not more than $15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama) at a cost per vehicle of not more than $19,500. A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the “Panama Canal Amendments Act of 1995”.

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

(a) IN GENERAL.—Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

“ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF COMMISSION

“(a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the `Commission’) is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

“(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it considers necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.”.
(b) Clerical Amendment.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:
``1101. Establishment, Purposes, Offices, and Residence of Commission.``.

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking out so much as precedes subsection (b) and inserting in lieu thereof the following:
``SUPERVISORY BOARD

``SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring to the Commission’s affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense."

SEC. 3524. GENERAL AND SPECIFIC POWERS OF COMMISSION.

(a) In General.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:
``GENERAL POWERS OF COMMISSION

``SEC. 1102a. (a) The Commission may adopt, alter, and use a corporate seal, which shall be judicially noticed.

``(b) The Commission may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law.

``(c) The Commission may sue and be sued in its corporate name, except that—

``(1) the amenability of the Commission to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

``(2) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

``(3) the Commission is exempt from the payment of interest on claims and judgments.

``(d) The Commission may enter into contracts, leases, agreements, or other transactions.

``(e) The Commission—

``(1) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid; and

``(2) may incur, allow, and pay its obligations and expenditures, subject to pertinent provisions of law generally applicable to Government corporations.

``(f) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

``(g) The authority of the Commission under this section and section 1102B is subject to the Panama Canal Treaty of 1977
and related agreements, and to chapter 91 of title 31, United States Code.

"SPECIFIC POWERS OF COMMISSION

SEC. 1102b. (a) The Commission may manage, operate, and maintain the Panama Canal.
(b) The Commission may construct or acquire, establish, maintain, and operate such activities, facilities, and appurtenances as necessary and appropriate for the accomplishment of the purposes of this Act, including the following:
"(1) Docks, wharves, piers, and other shoreline facilities.
"(2) Shops and yards.
"(3) Marine railways, salvage and towing facilities, fuel-handling facilities, and motor transportation facilities.
"(4) Power systems, water systems, and a telephone system.
"(5) Construction facilities.
"(6) Living quarters and other buildings.
"(7) Warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith.
"(8) Recreational facilities.
(c) The Commission may use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.
(d) The Commission may take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 1102 the following new items:

"1102a. General powers of Commission.
1102b. Specific powers of Commission.".

SEC. 3525. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—
(1) in subsection (c)—
(A) by striking out “and subject to paragraph (2)" in paragraph (1);
(B) by striking out paragraph (2); and
(C) by redesignating paragraph (3) as paragraph (2); and
(2) by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):
"(e) In accordance with section 9104 of title 31, United States Code, Congress shall review the annual budget of the Commission.”.

SEC. 3526. AUDITS.

(a) IN GENERAL.—Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—
(1) by striking out the heading for the section and inserting in lieu thereof the following: “AUDITS”;
(2) in subsection (a)—
(A) by striking out “Financial transactions” and inserting in lieu thereof “Notwithstanding any other provision of law, and subject to subsection (d), financial transactions”;
(B) by striking out “pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)”;
(C) by striking out “audit pursuant to such Act” in the second sentence and inserting in lieu thereof “such audit”;
(D) by striking out “An audit pursuant to such Act” in the last sentence and inserting in lieu thereof “Any such audit”;
and
(E) by adding at the end the following new sentence: “An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31, United States Code.”;

(3) in subsection (b), by striking out “The Comptroller General” in the first sentence and inserting in lieu thereof “Subject to subsection (d), the Comptroller General”;

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

“(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

“(e) In addition to auditing the financial statements of the Commission, the Comptroller General (or the independent auditor if one is employed pursuant to subsection (d)) shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission’s financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.”.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

“1313. Audits.”.

SEC. 3527. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

“PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

“Sec. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

“(1) the rules for the measurement of vessels for the Panama Canal; and

“(2) the tolls that shall be levied for use of the Panama Canal.”.

SEC. 3528. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a), by striking out “1601(a)” in the first sentence and inserting in lieu thereof “1601”;

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

“(c) After the proceedings have been conducted pursuant to subsections (a) and (b), the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall publish notice of any such change in the Federal Register not less than 30 days before the effective date of the change.”;

and

(3) by striking out subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3529. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645), by striking out “appropriation” in the last sentence and inserting in lieu thereof “fund”;

(2) in section 1303 (22 U.S.C. 3713), by striking out “The authority of this section may not be used for administrative expenses.”;

(3) in section 1321(d) (22 U.S.C. 3731(d)), by striking out “appropriations or” in the second sentence;
(4) in section 1401(c) (22 U.S.C. 3761(c)), by striking out “appropriated for or” in the first sentence;
(5) in section 1415 (22 U.S.C. 3775), by striking out “appropriated or” in the second sentence; and
(6) in section 1416 (22 U.S.C. 3776), by striking out “appropriated or” in the third sentence.

SEC. 3530. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:
“(P) the Panama Canal Commission.”.

DIVISION D—FEDERAL ACQUISITION REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the “Federal Acquisition Reform Act of 1996”.

TITLE XLI—COMPETITION

SEC. 4101. EFFICIENT COMPETITION.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, United States Code, is amended—
(1) by redesignating subsection (j) as subsection (k); and
(2) by inserting after subsection (i) the following new subsection (j):
“(j) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government’s requirements.”.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—
(1) by redesignating subsection (h) as subsection (i); and
(2) by inserting after subsection (g) the following new subsection (h):
“(h) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government’s requirements.”.

(c) REVISIONS TO NOTICE THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—
(A) by striking out “subsection (f)—” and all that follows through the end of the subparagraph and inserting in lieu thereof “subsection (b); and”; and
(B) by inserting after “property or services” the following: “for a price expected to exceed $10,000, but not to exceed $25,000.”.

SEC. 4102. EFFICIENT APPROVAL PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(f)(1)(B) of title 10, United States Code, is amended—
(1) in clause (i)—
(A) by striking out “$100,000 (but equal to or less than $1,000,000)” and inserting in lieu thereof “$500,000 (but equal to or less than $10,000,000)”;
and
(B) by striking out “(ii), (iii), or (iv)” and inserting in lieu thereof “(ii) or (iii)”;
(2) in clause (ii)—
(A) by striking out “$1,000,000 (but equal to or less than $10,000,000)” and inserting in lieu thereof “$10,000,000 (but equal to or less than $50,000,000)”;
(B) by adding “or” at the end;
(3) by striking out clause (iii); and
(4) by redesignating clause (iv) as clause (iii).

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)) is amended—
(1) in clause (i)—
(A) by striking out “$100,000 (but equal to or less than $1,000,000)” and inserting in lieu thereof “$500,000 (but equal to or less than $10,000,000)”;
(B) by striking out “(ii), (iii), or (iv);” and inserting in lieu thereof “(ii) or (iii);” and;
(2) in clause (ii)—
(A) by striking out “$1,000,000 (but equal to or less than $10,000,000)” and inserting in lieu thereof “$10,000,000 (but equal to or less than $50,000,000)”;
(B) by striking out the semicolon after “civilian” and inserting in lieu thereof a comma; and
(3) in clause (iii), by striking out “$10,000,000” and inserting in lieu thereof “$50,000,000”.

SEC. 4103. EFFICIENT COMPETITIVE RANGE DETERMINATIONS.

(a) ARMED SERVICES ACQUISITIONS.—Paragraph (4) of 2305(b) of title 10, United States Code, is amended—
(1) in subparagraph (C), by striking out “(C)” and transferring the text to the end of subparagraph (B), and in that text by striking out “Subparagraph (B)” and inserting in lieu thereof “This subparagraph”;
(2) by redesignating subparagraph (B) as subparagraph (C); and
(3) by inserting before subparagraph (C) (as so redesignated) the following new subparagraph (B):
“(B) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under subparagraph (A)(i) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.”.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)) is amended—
(1) by redesignating paragraph (2) as paragraph (3); and
(2) by inserting before paragraph (3) (as so redesignated) the following new paragraph (2):
“(2) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under paragraph (1)(A) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.”.

SEC. 4104. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—
(1) by striking out subparagraph (F) of paragraph (5); and
(2) by redesignating paragraph (6) as paragraph (9); and
(3) by inserting after paragraph (5) the following new paragraphs:
"(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

"(C) The debriefing conducted under this subsection shall include—

(i) the executive agency's evaluation of the significant elements in the offeror's offer;

(ii) a summary of the rationale for the offeror's exclusion; and

(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.

"(8) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract."

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (i), (j), (k), and (l), respectively; and

(3) by inserting after subsection (e) the following new subsections:

"(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

"(3) The debriefing conducted under this subsection shall include—

(A) the executive agency's evaluation of the significant elements in the offeror's offer;
"(B) a summary of the rationale for the offeror's exclusion; and

"(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(g) The contracting officer shall include a summary of any debriefing conducted under subsection (e) or (f) in the contract file.

"(h) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract."

SEC. 4105. DESIGN-BUILD SELECTION PROCEDURES.

(a) Armed Services Acquisitions.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Design-build selection procedures

"(a) Authorization.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (41 U.S.C. 541 et seq.) is used or another acquisition procedure authorized by law is used, the head of an agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

"(b) Criteria for Use.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

"(1) The extent to which the project requirements have been adequately defined.

"(2) The time constraints for delivery of the project.

"(3) The capability and experience of potential contractors.

"(4) The suitability of the project for use of the two-phase selection procedures.

"(5) The capability of the agency to manage the two-phase selection process.

"(6) Other criteria established by the agency.

"(c) Procedures Described.—Two-phase selection procedures consist of the following:

"(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architec-
"(2) The contracting officer solicits phase-one proposals that—

"(A) include information on the offeror's—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

"(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

"(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

"(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with paragraphs (2), (3), and (4) of section 2305(a) of this title.

The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

"(5) The agency awards the contract in accordance with section 2305(b)(4) of this title.

"(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

"(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

"(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

"(2) regarding the factors that may be used in selecting contractors; and

"(3) providing for a uniform approach to be used Government-wide."

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2305 the following new item:

“2305a. Design-build selection procedures.”.
SEC. 303M. DESIGN-BUILD SELECTION PROCEDURES.

(a) Authorization.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (title IX of this Act) is used or another acquisition procedure authorized by law is used, the head of an executive agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

(b) Criteria for Use.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

(1) The extent to which the project requirements have been adequately defined.
(2) The time constraints for delivery of the project.
(3) The capability and experience of potential contractors.
(4) The suitability of the project for use of the two-phase selection procedures.
(5) The capability of the agency to manage the two-phase selection process.
(6) Other criteria established by the agency.

(c) Procedures Described.—Two-phase selection procedures consist of the following:

(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government’s requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government’s needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

(2) The contracting officer solicits phase-one proposals that—

(A) include information on the offeror’s—
(i) technical approach; and
(ii) technical qualifications; and
(B) do not include—
(i) detailed design information; or
(ii) cost or price information.

(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror’s team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of
phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

“(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

“(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

“(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with subsections (b), (c), and (d) of section 303A.

The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

(5) The agency awards the contract in accordance with section 303B of this title.

“(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government’s interest and is consistent with the purposes and objectives of the two-phase selection process.

“(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

“(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

“(2) regarding the factors that may be used in selecting contractors; and

“(3) providing for a uniform approach to be used Government-wide.”.

(2) The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303L the following new item:

“Sec. 303M. Design-build selection procedures.”.

**TITLE XLII—COMMERCIAL ITEMS**

**SEC. 4201. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR CERTIFIED COST OR PRICING DATA.**

(a) ARMED SERVICES ACQUISITIONS.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

“(A) for which the price agreed upon is based on—

“(i) adequate price competition; or

“(ii) prices set by law or regulation;

“(B) for the acquisition of a commercial item; or

“(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the
requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

"(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

"(A) Reasonable limitations on requests for sales data relating to commercial items.

"(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form
regularly maintained by the offeror in commercial operations.

"(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 2306a of such title is further amended—
(A) by striking out subsection (h); and
(B) by redesignating subsection (i) as subsection (h).

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

"(b) EXCEPTIONS.—
(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—
"(A) for which the price agreed upon is based on—
"(i) adequate price competition; or
"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—
"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate the functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—
“(1) Authority to require submission.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

“(2) Limitations on authority.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

“(A) Reasonable limitations on requests for sales data relating to commercial items.

“(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

“(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.”.

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 4202. APPLICATION OF SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

(a) Armed Services Acquisitions.—(1) Section 2304(g) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out “shall provide for special simplified procedures for purchases of” and all that follows through the end of the paragraph and inserting in lieu thereof the following: “shall provide for—

“(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

“(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.”; and

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

“(4) The head of an agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).”.

(2) Section 2305 of title 10, United States Code, is amended in subsection (a)(2) by inserting after “(other than for)” the following: “a procurement for commercial items using special simplified procedures or”.

(b) Civilian Agency Acquisitions.—(1) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out “shall provide for special simplified procedures for purchases of” and all that follows through the end of the paragraph and inserting in lieu thereof the following: “shall provide for—
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“(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

“(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.”; and

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

“(5) An executive agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).”.

(2) Section 303A of such Act (41 U.S.C. 253a) is amended in subsection (b) by inserting after “(other than for)” the following: “a procurement for commercial items using special simplified procedures or”.

(c) ACQUISITIONS GENERALLY.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) in subsection (a), by striking out “shall provide for special simplified procedures for purchases of” and all that follows through the end of the subsection and inserting in lieu thereof the following: “shall provide for—

“(1) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

“(2) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.”; and

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

“(g) SPECIAL RULES FOR COMMERCIAL ITEMS.—The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items using special simplified procedures, an executive agency—

“(1) shall publish a notice in accordance with section 18 and, as provided in subsection (b)(4) of such section, permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency;

“(2) may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with section 2304 of title 10, United States Code, or section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as applicable; and

“(3) shall include in the contract file a written description of the procedures used in awarding the contract and the number of offers received.”.

(d) SIMPLIFIED NOTICE.—(1) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(A) in subsection (a)(6), by inserting before “submission” the following: “issuance of solicitations and the”; and

(B) in subsection (b)(6), by striking out “threshold—” and inserting in lieu thereof “threshold, or a contract for the procurement of commercial items using special simplified procedures—”.

(e) EFFECTIVE DATE.—The authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section, shall expire three years after the date on which such amendments take effect pursuant
to section 4401(b). Contracts may be awarded pursuant to solicitations that have been issued before such authority expires, notwithstanding the expiration of such authority.

SEC. 4203. INAPPLICABILITY OF CERTAIN PROCUREMENT LAWS TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) LAWS LISTED IN THE FAR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

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41 USC 431.
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“SEC. 35. COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITIONS: LISTS OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

“(a) LISTS OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items.

“(2) A provision of law that, pursuant to paragraph (3), is properly included on a list referred to in paragraph (1) may not be construed as being applicable to contracts referred to in paragraph (1). Nothing in this section shall be construed to render inapplicable to such contracts any provision of law that is not included on such list.

“(3) A provision of law described in subsection (b) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Administrator for Federal Procurement Policy makes a written determination that it would not be in the best interest of the United States to exempt such contracts from the applicability of that provision of law. Nothing in this section shall be construed as modifying or superseding, or as being intended to impair or restrict authorities or responsibilities under—

“(A) section 15 of the Small Business Act (15 U.S.C. 644); or

“(B) bid protest procedures developed under the authority of subchapter V of chapter 35 of title 31, United States Code; subsections (e) and (f) of section 2305 of title 10, United States Code; or subsections (h) and (i) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b).

“(b) COVERED LAW.—Except as provided in subsection (a)(3), the list referred to in subsection (a)(1) shall include each provision of law that, as determined by the Administrator, imposes on persons who have been awarded contracts by the Federal Government for the procurement of commercially available off-the-shelf items Government-unique policies, procedures, requirements, or restrictions for the procurement of property or services, except the following:

“(1) A provision of law that provides for criminal or civil penalties.

“(2) A provision of law that specifically refers to this section and provides that, notwithstanding this section, such provision of law shall be applicable to contracts for the procurement of commercial off-the-shelf items.

“(c) DEFINITION.—(1) As used in this section, the term ‘commercially available off-the-shelf item’ means, except as provided in paragraph (2), an item that—

“(A) is a commercial item (as described in section 4(12)(A));

“(B) is sold in substantial quantities in the commercial marketplace; and

“(C) is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace.

“(2) The term ‘commercially available off-the-shelf item’ does not include bulk cargo, as defined in section 3 of the Shipping
Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following:

“Sec. 35. Commerically available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.”.

SEC. 4204. AMENDMENT OF COMMERCIAL ITEMS DEFINITION.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by inserting “or market” after “catalog”.

SEC. 4205. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

“(i) Contracts or subcontracts for the acquisition of commercial items.”; and

(2) by striking out clause (iii).

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Subtitle A—Additional Acquisition Reform Provisions

SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out “certification and”.

(2) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting “and” after the semicolon at the end of subparagraph (A).

(3) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out “has certified to the contracting agency that it will” and inserting in lieu thereof “agrees to”;

(B) in subsection (a)(2), by striking out “contract includes a certification by the individual” and inserting in lieu thereof “individual agrees”;

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A); and

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out “such certification by failing to carry out”; and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—(A) Not later than 210 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue for public comment a proposal to amend the Federal Acquisition Regulation to remove from the Federal Acquisition Regulation certification requirements for contractors and offerors that are not specifically imposed by statute. The Administrator may

Public comment.

41 USC 425 note.
omit such a certification requirement from the proposal only if—

(i) the Federal Acquisition Regulatory Council provides the Administrator with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(ii) the Administrator approves in writing the retention of the certification requirement.

(B) Not later than 210 days after the date of the enactment of this Act, the head of each executive agency that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute shall issue for public comment a proposal to amend the regulations to remove the certification requirements. The head of the executive agency may omit such a certification requirement from the proposal only if—

(I) the senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(II) the head of the executive agency approves in writing the retention of such certification requirement.

(ii) For purposes of clause (i), the term "head of the executive agency" with respect to a military department means the Secretary of Defense.

(2) Future Certification Requirements.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

"SEC. 29. CONTRACT CLAUSES AND CERTIFICATIONS."

(ii) by inserting "(a) Nonstandard Contract Clauses.—" before "The Federal Acquisition"; and

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

"(c) Prohibition on Certification Requirements.—(1) A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation unless—

"(A) the certification requirement is specifically imposed by statute; or

"(B) written justification for such certification requirement is provided to the Administrator for Federal Procurement Policy by the Federal Acquisition Regulatory Council, and the Administrator approves in writing the inclusion of such certification requirement.

"(2)(A) A requirement for a certification by a contractor or offeror may not be included in a procurement regulation of an executive agency unless—

"(i) the certification requirement is specifically imposed by statute; or

"(ii) written justification for such certification requirement is provided to the head of the executive agency by the senior procurement executive of the agency, and the head of the executive agency approves in writing the inclusion of such certification requirement.

"(B) For purposes of subparagraph (A), the term 'head of the executive agency' with respect to a military department means the Secretary of Defense."

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained
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in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

"Sec. 29. Contract clauses and certifications."

(c) POLICY OF CONGRESS.—Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is further amended by adding after subsection (a) the following new subsection:

"(b) CONSTRUCTION OF CERTIFICATION REQUIREMENTS.—A provision of law may not be construed as requiring a certification by a contractor or offeror in a procurement made or to be made by the Federal Government unless that provision of law specifically provides that such a certification shall be required.”.

SEC. 4302. AUTHORITIES CONDITIONED ON FACNET CAPABILITY.

(a) COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.—Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note; 108 Stat. 3355) is amended to read as follows:

“(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on January 1, 1997, and shall expire on January 1, 2001. A contract entered into before such authority expires in an agency pursuant to a test shall remain in effect, in accordance with the terms of the contract, the notwithstanding of expiration the authority to conduct the test under this section.”.

(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Subsection (e) of section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out “ACQUISITION PROCEDURES.—” and all that follows through “(B) The simplified acquisition” in paragraph (2)(B) and inserting in lieu thereof “ACQUISITION PROCEDURES.—The simplified acquisition”;

and

(2) by striking out “pursuant to this section” in the remaining text and inserting in lieu thereof “pursuant to section 2304(g)(1)(A) of title 10, United States Code, section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)), and subsection (a)(1) of this section”.

SEC. 4303. INTERNATIONAL COMPETITIVENESS.

(a) ADDITIONAL AUTHORITY TO WAIVE RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Subject to subsection (b), section 21(e)(2) of the Arms Export Control Act (22 U.S.C. 2761(e)(2)) is amended—

(1) by inserting “(A)” after “(2)”; and

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

“(B) The President may waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for a particular sale if the President determines that—

“(i) imposition of the charge or charges likely would result in the loss of the sale; or

“(ii) in the case of a sale of major defense equipment that is also being procured for the use of the Armed Forces, the waiver of the charge or charges would (through a resulting increase in the total quantity of the equipment purchased from the source of the equipment that causes a reduction in the unit cost of the equipment) result in a savings to the United States on the cost of the equipment procured for the use of the Armed Forces that substantially offsets the revenue foregone by reason of the waiver of the charge or charges.

“(C) The President may waive, for particular sales of major defense equipment, an increase in a charge or charges previously considered appropriate under paragraph (1)(B) if the increase results from a correction of an estimate (reasonable when made)
of the production quantity base that was used for calculating the charge or charges for purposes of such paragraph.'”

(b) Conditions.—Subsection (a) shall be effective only if—
(1) the President, in the budget of the President for fiscal year 1997, proposes legislation that if enacted would be qualifying offsetting legislation; and
(2) there is enacted qualifying offsetting legislation.

c) Effective Date.—If the conditions in subsection (b) are met, then the amendments made by subsection (a) shall take effect on the date of the enactment of qualifying offsetting legislation.

(d) Definitions.—For purposes of this section:
(1) The term “qualifying offsetting legislation” means legislation that includes provisions that—
(A) offset fully the estimated revenues lost as a result of the amendments made by subsection (a) for each of the fiscal years 1997 through 2005;
(B) expressly state that they are enacted for the purpose of the offset described in subparagraph (A); and
(C) are included in full on the PayGo scorecard.
(2) The term “PayGo scorecard” means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4304. PROCUREMENT INTEGRITY.

(a) Amendment of Procurement Integrity Provision.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

“(a) Prohibition on disclosing procurement information.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

“(2) Paragraph (1) applies to any person who—
“(A) is a present or former official of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and
“(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

“(b) Prohibition on obtaining procurement information.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

“(c) Actions required of procurement officers when contacted by offerors regarding non-Federal employment.—(1) If an agency official who is participating personally and substantially in a Federal agency procurement for a contract in excess of the simplified acquisition threshold contacts or is contacted by a person who is a bidder or offeror in that Federal agency procurement regarding possible non-Federal employment for that official, the official shall—

“(A) promptly report the contact in writing to the official’s supervisor and to the designated agency ethics official (or designee) of the agency in which the official is employed; and
“(B)(i) reject the possibility of non-Federal employment; or
“(ii) disqualify himself or herself from further personal and substantial participation in that Federal agency procurement until such time as the agency has authorized the official to resume participation in such procurement, in accordance with the requirements of section 208 of title 18, United States Code, and applicable agency regulations on the grounds that—

“(I) the person is no longer a bidder or offeror in that Federal agency procurement; or

“(II) all discussions with the bidder or offeror regarding possible non-Federal employment have terminated without an agreement or arrangement for employment.

“(2) Each report required by this subsection shall be retained by the agency for not less than two years following the submission of the report. All such reports shall be made available to the public upon request, except that any part of a report that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public.

“(3) An official who knowingly fails to comply with the requirements of this subsection shall be subject to the penalties and administrative actions set forth in subsection (e).

“(4) A bidder or offeror who engages in employment discussions with an official who is subject to the restrictions of this subsection, knowing that the official has not complied with subparagraph (A) or (B) of paragraph (1), shall be subject to the penalties and administrative actions set forth in subsection (e).

(d) Prohibition on Former Official’s Acceptance of Compensation From Contractor.—(1) A former official of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within a period of one year after such former official—

“(A) served, at the time of selection of the contractor or the award of a contract to that contractor, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team in a procurement in which that contractor was selected for award of a contract in excess of $10,000,000;

“(B) served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of $10,000,000 awarded to that contractor; or

“(C) personally made for the Federal agency—

“(i) a decision to award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order in excess of $10,000,000 to that contractor;

“(ii) a decision to establish overhead or other rates applicable to a contract or contracts for that contractor that are valued in excess of $10,000,000;

“(iii) a decision to approve issuance of a contract payment or payments in excess of $10,000,000 to that contractor; or

“(iv) a decision to pay or settle a claim in excess of $10,000,000 with that contractor.

“(2) Nothing in paragraph (1) may be construed to prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph.

“(3) A former official who knowingly accepts compensation in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

“(4) A contractor who provides compensation to a former official knowing that such compensation is accepted by the former official...
in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

“(5) Regulations implementing this subsection shall include procedures for an official or former official of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether the official or former official is or would be precluded by this subsection from accepting compensation from a particular contractor.

“(e) Penalties and Administrative Actions.—

“(1) Criminal Penalties.—Whoever engages in conduct constituting a violation of subsection (a) or (b) for the purpose of either—

“(A) exchanging the information covered by such subsection for anything of value, or

“(B) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.

“(2) Civil Penalties.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting a violation of subsection (a), (b), (c), or (d). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

“(3) Administrative Actions.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d), the Federal agency shall consider taking one or more of the following actions, as appropriate:

“(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

“(ii) Rescission of a contract with respect to which—

“(I) the contractor or someone acting for the contractor has been convicted for an offense punishable under paragraph (1), or

“(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

“(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

“(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

“(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

“(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), (c), or (d) affects the present responsibility of a Government contractor or subcontractor.

“(f) Definitions.—As used in this section:
"(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h)), with respect to procurements subject to that section).

(B) Indirect costs and direct labor rates.

(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

(C) Source selection plans.

(D) Technical evaluation plans.

(E) Technical evaluations of proposals.

(F) Cost or price evaluations of proposals.

(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

(H) Rankings of bids, proposals, or competitors.

(I) The reports and evaluations of source selection panels, boards, or advisory councils.

(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to subchapter V of chapter 35 of title 31, United States Code.

(7) The term 'official' means the following:
"(A) An officer, as defined in section 2104 of title 5, United States Code.

"(B) An employee, as defined in section 2105 of title 5, United States Code.

"(C) A member of the uniformed services, as defined in section 2101(3) of title 5, United States Code.

"(g) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging a violation of subsection (a), (b), (c), or (d), nor may the Comptroller General of the United States consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement, no later than 14 days after the person first discovered the possible violation, the information that the person believed constitutes evidence of the offense.

"(h) SAVINGS PROVISIONS.—This section does not—

"(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

"(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

"(4) prohibit individual meetings between a Federal agency official and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

"(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

"(6) authorize the withholding of information from, nor restrict its receipt by, the Comptroller General of the United States in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation."

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.


(3) Section 281 of title 18, United States Code.


(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.
(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(4) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

(5) The table of contents for the Energy Policy and Conservation Act is amended by striking out the item relating to section 522.

SEC. 4305. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) REVISED STATEMENT OF PURPOSE.—Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

``(a) There is in the Office of Management and Budget an Office of Federal Procurement Policy (hereinafter referred to as the `Office') to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies and to promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.''

(2) REPEAL OF FINDINGS, POLICIES, AND PURPOSES.—Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) OBSOLETE PROVISIONS.—

(1) RELATIONSHIP TO FORMER REGULATIONS.—Section 10 of the Office of Federal Procurement Policy Act (41 U.S.C. 409) is repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of such Act (41 U.S.C. 410) is amended to read as follows:

``SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

``There is authorized to be appropriated for the Office of Federal Procurement Policy each fiscal year such sums as may be necessary for carrying out the responsibilities of that office for such fiscal year.''

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, and 10.

SEC. 4306. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4203, is further amended by adding at the end the following new section:

``SEC. 36. VALUE ENGINEERING.

 ``(a) IN GENERAL.—Each executive agency shall establish and maintain cost-effective value engineering procedures and processes.

 ``(b) DEFINITION.—As used in this section, the term `value engineering' means an analysis of the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of an executive agency, performed by qualified agency or contractor personnel, directed at improving performance, reliability, quality, safety, and life cycle costs.''

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

``Sec. 36. Value engineering.''

41 USC 432.
SEC. 4307. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4306, is further amended by adding at the end the following new section:

SEC. 37. ACQUISITION WORKFORCE.

(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

(b) MANAGEMENT POLICIES.—

(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in section 2301(b) of title 5, United States Code.

(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

(3) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

(e) APPLICABILITY TO ACQUISITION WORKFORCE.—The programs established by this section shall apply to the acquisition workforce of each executive agency. For purposes of this section, the acquisition workforce of an agency consists of all employees serving in acquisition positions listed in subsection (g)(1)(A).

(f) CAREER DEVELOPMENT.—

(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition
positions. The head of each executive agency shall make information available on such career paths.

"(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

"(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

"(4) PERFORMANCE INCENTIVES.—The head of each executive agency shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

"(A) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(b)));

and

"(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

"(g) QUALIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—(A) Subject to paragraph (2), the Administrator shall establish qualification requirements, including education requirements, for the following positions:

"(i) Entry-level positions in the General Schedule Contracting series (GS±1102).

"(ii) Senior positions in the General Schedule Contracting series (GS±1102).

"(iii) All positions in the General Schedule Purchasing series (GS±1105).

"(iv) Positions in other General Schedule series in which significant acquisition-related functions are performed.

"(B) Subject to paragraph (2), the Administrator shall prescribe the manner and extent to which such qualification requirements shall apply to any person serving in a position described in subparagraph (A) at the time such requirements are established.

"(2) RELATIONSHIP TO REQUIREMENTS APPLICABLE TO DEFENSE ACQUISITION WORKFORCE.—The Administrator shall establish qualification requirements and make prescriptions under paragraph (1) that are comparable to those established for the same or equivalent positions pursuant to chapter 87 of title 10, United States Code, with appropriate modifications.

"(3) APPROVAL OF REQUIREMENTS.—The Administrator shall submit any requirement established or prescription made under paragraph (1) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove a require-
ment or prescription within 30 days after the date on which
the Director receives it, the requirement or prescription is
deemed to be approved by the Director.

(h) EDUCATION AND TRAINING.—

“(1) FUNDING LEVELS.—(A) The head of an executive agency
shall set forth separately the funding levels requested for edu-
cation and training of the acquisition workforce in the budget
justification documents submitted in support of the President’s
budget submitted to Congress under section 1105 of title 31,
United States Code.

(B) Funds appropriated for education and training under
this section may not be obligated for any other purpose.

“(2) TUITION ASSISTANCE.—The head of an executive agency
may provide tuition reimbursement in education (including a
full-time course of study leading to a degree) in accordance
with section 4107 of title 5, United States Code, for personnel
serving in acquisition positions in the agency.”.

(2) The table of contents for such Act, contained in section
1(b), is amended by adding at the end the following new item:

“Sec. 37. Acquisition workforce.”.

(b) ADDITIONAL AMENDMENTS.—Section 6(d) of the Office of
Federal Procurement Policy Act (41 U.S.C. 405), is amended—
(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11),
and (12) (as transferred by section 4321(h)(1)) as paragraphs
(7), (8), (9), (10), (11), (12), and (13), respectively;
(2) in paragraph (5)—

(A) in subparagraph (A), by striking out “Government-
wide career management programs for a professional
procurement work force” and inserting in lieu thereof “the
development of a professional acquisition workforce
Government-wide”; and

(B) in subparagraph (B)—

(i) by striking out “procurement by the” and insert-
ing in lieu thereof “acquisition by the”;

(ii) by striking out “and” at the end of the subpara-
graph; and

(iii) by striking out subparagraph (C) and inserting
in lieu thereof the following:

“(C) collect data and analyze acquisition workforce data
from the Office of Personnel Management, the heads of
executive agencies, and, through periodic surveys, from
individual employees;

“(D) periodically analyze acquisition career fields to
identify critical competencies, duties, tasks, and related
academic prerequisites, skills, and knowledge;

“(E) coordinate and assist agencies in identifying and
recruiting highly qualified candidates for acquisition fields;

“(F) develop instructional materials for acquisition
personnel in coordination with private and public acquisi-
tion colleges and training facilities;

“(G) evaluate the effectiveness of training and career
development programs for acquisition personnel;

“(H) promote the establishment and utilization of aca-
demic programs by colleges and universities in acquisition
fields;

“(I) facilitate, to the extent requested by agencies, inter-
tagency intern and training programs; and

“(J) perform other career management or research
functions as directed by the Administrator.”; and

(3) by inserting before paragraph (7) (as so redesignated)
the following new paragraph (6):

“(6) administering the provisions of section 37;”.

SEC. 4308. DEMONSTRATION PROJECT RELATING TO CERTAIN PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

(a) Commencement.—The Secretary of Defense is encouraged to take such steps as may be necessary to provide for the commencement of a demonstration project, the purpose of which would be to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense.

(b) Terms and Conditions.—

(1) In general.—Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5, United States Code, and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) Exceptions.—Subject to paragraph (3), in applying section 4703 of title 5, United States Code, with respect to a demonstration project described in subsection (a)—

(A) “180 days” in subsection (b)(4) of such section shall be deemed to read “120 days”;

(B) “90 days” in subsection (b)(6) of such section shall be deemed to read “30 days”; and

(C) subsection (d)(1)(A) of such section shall be disregarded.

(3) Condition.—Paragraph (2) shall not apply with respect to a demonstration project unless it—

(A) involves only the acquisition workforce of the Department of Defense (or any part thereof); and

(B) commences during the 3-year period beginning on the date of the enactment of this Act.

(c) Definition.—For purposes of this section, the term “acquisition workforce” refers to the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of title 10, United States Code.

SEC. 4309. COOPERATIVE PURCHASING.

(a) Delay in Opening Certain Federal Supply Schedules to Use by State, Local, and Indian Tribal Governments.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

(1) the date on which the 18-month period beginning on the date of the enactment of this Act expires; or

(2) the date on which all of the following conditions are met:

(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

(C) A period of 30 days after the date of submission of such comments to Congress has expired.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949. The report shall include the following:

(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.
(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

(c) Comments on Report by Administrator.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator’s comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(d) Calculation of 30-Day Period.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.

SEC. 4310. PROCUREMENT NOTICE TECHNICAL AMENDMENT.

Section 18(c)(1)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by inserting after “requirements contract” the following: “, a task order contract, or a delivery order contract”.

SEC. 4311. MICRO-PURCHASES WITHOUT COMPETITIVE QUOTATIONS.

Section 32(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as redesignated by section 4304(c)(3), is amended by striking out “the contracting officer” and inserting in lieu thereof “an employee of an executive agency or a member of the Armed Forces of the United States authorized to do so”.

Subtitle B—Technical Amendments

SEC. 4321. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

(a) Public Law 103–355.—Effective as of October 13, 1994, and as if included therein as enacted, the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3243 et seq.) is amended as follows:

1. Section 1073 (108 Stat. 3271) is amended by striking out “section 303I” and inserting in lieu thereof “section 303K”.
2. Section 1202(a) (108 Stat. 3274) is amended by striking out the closing quotation marks and second period at the end of paragraph (2)(B) of the subsection inserted by the amendment made by that section.
4. Section 2051(e) (108 Stat. 3304) is amended by striking out the closing quotation marks and second period at the end of subsection (f)(3) in the matter inserted by the amendment made by that section.
6. Section 2351(a) (108 Stat. 3322) is amended by inserting “(1)” before “Section 6”.
7. The heading of section 2352(b) (108 Stat. 3322) is amended by striking out “PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—” and inserting in lieu thereof “PROCEDURES.—”.
8. Section 3022 (108 Stat. 3333) is amended by striking out “each place” and all that follows through the end of the
section and inserting in lieu thereof "in paragraph (1) and
', rent,' after 'sell' in paragraph (2)."

(9) Section 5092(b) (108 Stat. 3362) is amended by inserting
"of paragraph (2)" after "second sentence".

(10) Section 6005(a) (108 Stat. 3364) is amended by striking
out the closing quotation marks and second period at the end of
subsection (e)(2) of the matter inserted by the amendment
made by that section.

(11) Section 10005(f)(4) (108 Stat. 3409) is amended in
the second matter in quotation marks by striking out "Sec.
5. This Act" and inserting in lieu thereof "Sec. 7. This title".

(b) Title 10, United States Code.—Title 10, United States
Code, is amended as follows:

(1) Section 2220(b) is amended by striking out "the date
of the enactment of the Federal Acquisition Streamlining Act
of 1994" and inserting in lieu thereof "October 13, 1994".

(2)(A) The section 2247 added by section 7202(a)(1) of Public
Law 103–355 (108 Stat. 3379) is redesignated as section 2249.

(B) The item relating to that section in the table of sections
at the beginning of subchapter I of chapter 134 is revised
to conform to the redesignation made by subparagraph (A).

(3) Section 2302(3)(K) is amended by adding a period at
the end.

(4) Section 2304(f)(2)(D) is amended by striking out "the
Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred
to as the Wagner-O'Day Act," and inserting in lieu thereof
the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)."

(5) Section 2304(h) is amended by striking out paragraph
(1) and inserting in lieu thereof the following:

"(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.)."

(6)(A) The section 2304a added by section 848(a)(1) of Public
Law 103–160 (107 Stat. 1724) is redesignated as section 2304a.

(B) The item relating to that section in the table of sections
at the beginning of chapter 137 is revised to conform to the
redesignation made by subparagraph (A).

(7) Section 2306a is amended—

(A) in subsection (d)(2)(A)(iii), by inserting "to" after
"The information referred";

(B) in subsection (e)(4)(B)(iii), by striking out the second
comma after "parties"; and

(C) in subsection (i)(3), by inserting "41 U.S.C.
403(12))" before the period at the end.

(8) Section 2323 is amended—

(A) in subsection (a)(1)(C), by inserting a closing paren-
thesis after "1135d–5(3))" and after "1059c(b)(1))";

(B) in subsection (a)(3), by striking out "(issued under"
and all that follows through "421(c))";

(C) in subsection (b), by inserting "(1) after
"AMOUNT.—"; and

(D) in subsection (i)(3), by adding at the end a subpara-
graph (D) identical to the subparagraph (D) set forth in
the amendment made by section 811(e) of Public Law 103–
160 (107 Stat. 1702).

(9) Section 2324 is amended—

(A) in subsection (e)(2)(C)—

(i) by striking out "awarding the contract" at the
end of the first sentence; and

(ii) by striking out "title III" and all that follows
through "Act)" and inserting in lieu thereof the Buy
American Act (41 U.S.C. 10b-1)";

(B) in subsection (h)(2), by inserting "the head of the
agency or" after "in the case of any contract if".

(10) Section 2350b is amended—

(A) in subsection (c)(1)—
(i) by striking out “specifically—” and inserting in lieu thereof “specifically prescribes—”; and
(ii) by striking out “prescribe” in each of subparagraphs (A), (B), (C), and (D); and
(B) in subsection (d)(1), by striking out “subcontract to be” and inserting in lieu thereof “subcontract be”.

(11) Section 2372(i)(1) is amended by striking out “section 2324(m)” and inserting in lieu thereof “section 2324(l)”.

(12) Section 2384(b) is amended—
(A) in paragraph (2)—
(i) by striking “items, as” and inserting in lieu thereof “items (as”; and
(ii) by inserting a closing parenthesis after “403(12))”; and
(B) in paragraph (3), by inserting a closing parenthesis after “403(11))”.

(13) Section 2400(a)(5) is amended by striking out “the preceding sentence” and inserting in lieu thereof “this paragraph”.

(14) Section 2405 is amended—
(A) in paragraphs (1) and (2) of subsection (a), by striking out “the date of the enactment of the Federal Acquisition Streamlining Act of 1994” and inserting in lieu thereof “October 13, 1994”;
(B) in subsection (c)(3)—
(i) by striking out “the later of—” and all that follows through “(B)”;
(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs accordingly.

(15) Section 2410d(b) is amended by striking out paragraph (3).

(16) Section 2410g(d)(1) is amended by striking out before the period at the end the following: “(as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”).

(17) Section 2424(c) is amended—
(A) by inserting “EXCEPTION.—’” after “(c)”; and
(B) by striking out “drink” the first and third places it appears in the second sentence and inserting in lieu thereof “beverage”.

(18) Section 2431 is amended—
(A) in subsection (b)—
(i) by striking out “Any report” in the first sentence and inserting in lieu thereof “Any documents”; and
(ii) by striking out “the report” in paragraph (3) and inserting in lieu thereof “the documents”; and
(B) in subsection (c), by striking “reporting” and inserting in lieu thereof “documentation”.

(19) Section 2461(e)(1) is amended by striking out “the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O’Day Act” and inserting in lieu thereof “the Javits-Wagner-O’Day Act (40 U.S.C. 270a et seq.)”.

(20) Section 2533(a) is amended by striking out “title III of the Act” and all that follows through “such Act” and inserting in lieu thereof “the Buy American Act (41 U.S.C. 10a) whether application of such Act”.

(21) Section 2662(b) is amended by striking out “small purchase threshold” and inserting in lieu thereof “simplified acquisition threshold”.

(22) Section 2701(i)(1) is amended—
(A) by striking out “Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the ‘Miller Act,’” and inserting in lieu thereof “Miller Act (40 U.S.C. 270a et seq.”); and
(B) by striking out “such Act of August 24, 1935” and inserting in lieu thereof “the Miller Act”.

(c) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 632 et seq.) is amended as follows:

(1) Section 8(d) (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1), by striking out the second comma after “small business concerns” the first place it appears; and

(B) in paragraph (6)(C), by striking out “and small business concerns owned and controlled by the socially and economically disadvantaged individuals” and inserting in lieu thereof “small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women”.

(2) Section 8(f) (15 U.S.C. 637(f)) is amended by inserting “and” after the semicolon at the end of paragraph (5).

(3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is amended by striking out the second comma after the first appearance of “small business concerns”.

(d) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Section 3551 is amended—

(A) by striking out “subchapter—” and inserting in lieu thereof “subchapter:”; and

(B) in paragraph (2), by striking out “or proposed contract” and inserting in lieu thereof “or a solicitation or other request for offers”.

(2) Section 3553(b)(3) is amended by striking out “3554(a)(3)” and inserting in lieu thereof “3554(a)(4)”.

(3) Section 3554(b)(2) is amended by striking out “section 3553(d)(2)(A)(i)” and inserting in lieu thereof “section 3553(d)(3)(C)(i)(I)”.

(e) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) The table of contents in section 1 (40 U.S.C. 471 prec.) is amended—

(A) by striking out the item relating to section 104;

(B) by striking out the item relating to section 201 and inserting in lieu thereof the following:

“Sec. 201. Procurements, warehousing, and related activities.”;

(C) by inserting after the item relating to section 315 the following new item:

“Sec. 316. Merit-based award of grants for research and development.”;

(D) by striking out the item relating to section 603 and inserting in lieu thereof the following:

“Sec. 603. Authorizations for appropriations and transfer authority.”;

and

(E) by inserting after the item relating to section 605 the following new item:

“Sec. 606. Sex discrimination.”.


(3) The heading for paragraph (1) of section 304A(c) (41 U.S.C. 254b(c)) is amended by changing each letter that is capitalized (other than the first letter of the first word) to lower case.

(4) Subsection (d)(2)(A)(ii) of section 304A (41 U.S.C. 254b) is amended by inserting “to” after “The information referred”.
(5) Section 304C(a)(2) is amended by striking out “section 304B” and inserting in lieu thereof “section 304A”.

(6) Section 307(b) is amended by striking out “section 305(c)” and inserting in lieu thereof “section 305(d)”.

(7) The heading for section 314A (41 U.S.C. 264a) is amended to read as follows:

“SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF COMMERCIAL ITEMS.”.

(8) Section 315(b) (41 U.S.C. 265(b)) is amended by striking out “inspector general” both places it appears and inserting in lieu thereof “Inspector General”.

(9) The heading for section 316 (41 U.S.C. 266) is amended by inserting at the end a period.

(f) WALSH-HEALEY ACT.—

(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.) is amended—

(A) by transferring the second section 11 (as added by section 7201(4) of Public Law 103–355) so as to appear after section 10; and

(B) by redesignating the three sections following such section 11 (as so transferred) as sections 12, 13, and 14.

(2) Such Act is further amended in section 10—

(A) in subsection (b), by striking out “section 1(b)” and inserting in lieu thereof “section 1(a)”; and

(B) in subsection (c), by striking out the comma after “locality”.

(g) ANTI-KICKBACK ACT OF 1986.—Section 7(d) of the Anti-Kickback Act of 1986 (41 U.S.C. 57(d)) is amended—

(1) by striking out “such Act” and inserting in lieu thereof “the Office of Federal Procurement Policy Act”; and

(2) by striking out the second period at the end.

(h) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6 (41 U.S.C. 405) is amended by transferring paragraph (12) of subsection (d) (as such paragraph was redesignated by section 5091(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 108 Stat. 3361)) to the end of that subsection.

(2) Section 6(11) (41 U.S.C. 405(11)) is amended by striking out “small business” and inserting in lieu thereof “small businesses”.

(3) Section 18(b) (41 U.S.C. 416(b)) is amended by inserting “and” after the semicolon at the end of paragraph (5).

(4) Section 26(f)(3) (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out “Not later than 180 days after the date of enactment of this section, the Administrator” and inserting in lieu thereof “The Administrator”.

(i) OTHER LAWS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended as follows:

(A) Section 126(c) (107 Stat. 1567) is amended by striking out “section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note),” and inserting in lieu thereof “section 2401 or 2401a of title 10, United States Code.”.

(B) Section 127 (107 Stat. 1568) is amended—

(i) in subsection (a), by striking out “section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note),” and inserting in lieu thereof “section 2401 or 2401a of title 10, United States Code.”; and


(3) Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 2431 note) is amended by striking out subsection (c).


(5) Section 11 of Public Law 101–552 (5 U.S.C. 581 note) is amended by inserting “under” before “the amendments made by this Act”.


(8) The first section 5 of the Miller Act (40 U.S.C. 270a note) is redesignated as section 7 and, as so redesignated, is transferred to the end of that Act.

(9) Section 3737(g) of the Revised Statutes of the United States (41 U.S.C. 15(g)) is amended by striking out “rights of obligations” and inserting in lieu thereof “rights or obligations”.

(10) The Act of June 15, 1940 (41 U.S.C. 20a; Chapter 367; 54 Stat. 398), is repealed.

(a) Office of Federal Procurement Policy Act.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) amended as follows:

(1) Section 6(b) (41 U.S.C. 405(b)) is amended by striking out the second comma after “under subsection (a)” in the first sentence.

(2) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is amended by striking out “Under Secretary of Defense for Acquisition” and inserting in lieu thereof “Under Secretary of Defense for Acquisition and Technology”.

(b) Other laws.—

(1) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out the second comma after “Community Service”.

(2) Section 908(e) of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking
out “section 2325(g)” and inserting in lieu thereof “section 2326(g)”.

(3) Effective as of August 9, 1989, and as if included therein as enacted, Public Law 101–73 is amended in section 501(b)(1)(A) (103 Stat. 393) by striking out “be,” and inserting in lieu thereof “be;” in the second quoted matter therein.

(4) Section 3732(a) of the Revised Statutes of the United States (41 U.S.C. 11(a)) is amended by striking out the second comma after “quarters”.

(5) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended in paragraphs (3), (5), (6), and (7), by striking out “The” and inserting in lieu thereof “the”.

(6) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by inserting after “United States Code” each place it appears the following: “(as in effect on September 30, 1995)”. 

(7) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(A) in subsection (a), by striking out “section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)” and inserting in lieu thereof “section 1304 of title 31, United States Code”; and


TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 4401. EFFECTIVE DATE AND APPLICABILITY.

(a) Effective Date.—Except as otherwise provided in this division, this division and the amendments made by this division shall take effect on the date of the enactment of this Act.

(b) Applicability of Amendments.—

(1) Solicitations, unsolicited proposals, and related contracts.—An amendment made by this division shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) Other matters.—An amendment made by this division shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) Demarcation Date.—The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be January 1, 1997, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 4402. IMPLEMENTING REGULATIONS.

(a) Proposed Revisions.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement
this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this Act may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—

(1) VALIDITY OF PRIOR ACTIONS.—Nothing in this division shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 4401(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) RENEGOTIATION AND MODIFICATION OF PREEXISTING CONTRACTS.—Except as specifically provided in this division, nothing in this division shall be construed to require the renegotiation or modification of contracts in existence on the date of enactment of this Act.

(3) CONTINUED APPLICABILITY OF PREEXISTING LAW.—Except as otherwise provided in this division, a law amended by this division shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, January 1, 1997.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the "Information Technology Management Reform Act of 1996".

SEC. 5002. DEFINITIONS.

In this division:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(3) INFORMATION TECHNOLOGY.—(A) The term "information technology", with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term "information technology" includes computers, ancillary equipment, software, firmware and similar proce-
dures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term “information technology” does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) INFORMATION RESOURCES.—The term “information resources” has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) INFORMATION RESOURCES MANAGEMENT.—The term “information resources management” has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) INFORMATION SYSTEM.—The term “information system” has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) COMMERCIAL ITEM.—The term “commercial item” has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

SEC. 5111. RESPONSIBILITY OF DIRECTOR.

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) USE OF BUDGET PROCESS.—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits
achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue to the head of each executive agency clear and concise direction that the head of such agency shall—

(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a
governmental organization to a private sector organization; or
(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;
(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency’s mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and
(D) ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—
(A) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.
(B) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include—
(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;
(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;
(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and
(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

Subtitle C—Executive Agencies

40 USC 1421.  SEC. 5121. RESPONSIBILITIES.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

40 USC 1422.  SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code,
the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency’s budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency’s mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.
SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) In General.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 Program.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.

(a) Designation of Chief Information Officers.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—
   (A) in paragraph (2)(A), by striking out “senior official” and inserting in lieu thereof “Chief Information Officer”;
   (B) in paragraph (2)(B)—
   (i) by striking out “senior officials” in the first sentence and inserting in lieu thereof “Chief Information Officers”;
   (ii) by striking out “official” in the second sentence and inserting in lieu thereof “Chief Information Officer”;
   (iii) by striking out “officials” in the second sentence and inserting in lieu thereof “Chief Information Officers”;
   and
   (C) in paragraphs (3) and (4), by striking out “senior official” each place it appears and inserting in lieu thereof “Chief Information Officer”; and

(2) in subsection (c)(1), by striking out “official” in the matter preceding subparagraph (A) and inserting in lieu thereof “Chief Information Officer”.

(b) General Responsibilities.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) Duties and Qualifications.—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—
(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

(d) INFORMATION TECHNOLOGY ARCHITECTURE DEFINED.—In this section, the term ‘information technology architecture’, with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Information Officer, Department of Agriculture.

“Chief Information Officer, Department of Commerce.

“Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

“Chief Information Officer, Department of Education.

“Chief Information Officer, Department of Energy.

“Chief Information Officer, Department of Health and Human Services.

“Chief Information Officer, Department of Housing and Urban Development.

“Chief Information Officer, Department of Interior.

“Chief Information Officer, Department of Justice.

“Chief Information Officer, Department of Labor.

“Chief Information Officer, Department of State.

“Chief Information Officer, Department of Transportation.

“Chief Information Officer, Department of Treasury.

“Chief Information Officer, Department of Veterans Affairs.

“Chief Information Officer, Environmental Protection Agency.

“Chief Information Officer, National Aeronautics and Space Administration.

“Chief Information Officer, Agency for International Development.

“Chief Information Officer, Federal Emergency Management Agency.

“Chief Information Officer, General Services Administration.

“Chief Information Officer, National Science Foundation.
SEC. 5126. ACCOUNTABILITY.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

SEC. 5127. SIGNIFICANT DEVIATIONS.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

SEC. 5128. INTERAGENCY SUPPORT.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Subtitle D—Other Responsibilities

SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

(a) STANDARDS AND GUIDELINES.—

1. AUTHORITY.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy.
of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President’s authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receipt of notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) Exercise of Authority.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) Application of More Stringent Standards.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) Waiver of Standards.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

(d) Definitions.—In this section, the terms “Federal computer system” and “operator of a Federal computer system” have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).

(e) Technical Amendments.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—


(2) in section 3518(d), by striking out “Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or”.

Federal Register, publication.
SEC. 5132. SENSE OF CONGRESS.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

Subtitle E—National Security Systems

SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not apply to national security systems.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 5123, 5125, and 5126 apply to national security systems.

(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) PERFORMANCE AND RESULTS OF INFORMATION TECHNOLOGY INVESTMENTS.—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

(a) DEFINITION.—In this subtitle, the term “national security system” means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) LIMITATION.—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SEC. 5201. PROCUREMENT PROCEDURES.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) POLICY.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:
"SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

"(a) IN GENERAL.—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

"(b) MODULAR CONTRACTING DESCRIBED.—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

"(c) IMPLEMENTATION.—The Federal Acquisition Regulation shall provide that—

"(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

"(A) are easier to manage individually than would be one comprehensive acquisition;

"(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

"(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

"(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

"(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

"(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.

"(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

"Sec. 35. Modular contracting for information technology.".
not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 5302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 5303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 5304. RECOMMENDED LEGISLATION.

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.
SEC. 5305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

Subtitle B—Specific Pilot Programs

SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out one project and enter into not more than five contracts for the project.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be
acquired, together with a contracting officer and persons with relevant expertise.

(4) **Use of source selection factors emphasizing source qualifications and costs.**—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) **Open communications with contractor community.**—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) **Simple solicitation.**—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) **Simple proposals.**—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) **Simple evaluation.**—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

   (i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

   (ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) **Selection of most qualified offeror.**—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—
(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) **System Implementation Phasing.**—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) **Mutual Authority to Terminate.**—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) **Time Management Discipline.**—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) **Pilot Program Design.**—

(1) **Joint Public-Private Working Group.**—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) **Content of Plan.**—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) **Complexity of Projects.**—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency’s objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) **Monitoring by GAO.**—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.
SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

(a) Automation of Multiple Award Schedule Contracting.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as "FACNET"), not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) Additional FACNET Functions.—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) Streamlined Procedures.—

(1) Pilot Program.—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) Applicability to Multiple Award Schedule Contracts.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;
(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

3. COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

4. WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

5. TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term “FACNET” means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.
SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 5501. PERIOD FOR PROCESSING PROTESTS.

Title 31, United States Code, is amended as follows:
(1) Section 3553(b)(2)(A) is amended by striking out "35" and inserting in lieu thereof "30".
(2) Section 3554 is amended—
(A) in subsection (a)(1), by striking out "125" and inserting in lieu thereof "100"; and
(B) in subsection (e)—
(i) in paragraph (1), by striking out "Government Operations" and inserting in lieu thereof "Government Reform and Oversight"; and
(ii) in paragraph (2), by striking out "125" and inserting in lieu thereof "100".

SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—
(1) in the first sentence of subsection (a)—
(A) by inserting "or other action referred to in subsection (b)" after "protest" the first place it appears;
(B) by striking out "90 working days" and inserting in lieu thereof "100 days"; and
(C) by inserting "or other action" after "protest" the second place it appears; and
(2) by striking out subsection (b) and inserting in lieu thereof the following:
"(b) Subsection (a) applies with respect to—
(1) any protest filed under subchapter V of chapter 35 of this title; or
(2) an action commenced under administrative procedures or for a judicial remedy if—
(A) the action involves a challenge to—
(i) a solicitation for a contract;
(ii) a proposed award of a contract;
(iii) an award of a contract; or
(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and
(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement."

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:
§ 1558. Availability of funds following resolution of a formal protest or other challenge.

(c) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

“1558. Availability of funds following resolution of a formal protest or other challenge.”

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) Protest File.—Section 2305(e) is amended by striking out paragraph (3).

(b) Multiyear Contracts.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) Law Inapplicable to Procurement of Information Technology.—Section 2315 of title 10, United States Code, is amended by striking out “Section 111” and all that follows through “use of equipment or services if,” and inserting in lieu thereof the following: “For the purposes of the Information Technology Management Reform Act of 1996, the term ‘national security systems’ means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which”.

SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) References to Brooks Automatic Data Processing Act.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out “section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)” and inserting in lieu thereof “the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1996”;


(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) References to Automatic Data Processing.—Section 612 of title 28, United States Code, is further amended—

(1) in the heading, by striking out the second word and inserting in lieu thereof “Information Technology”;

(2) in subsection (a), by striking out “Judiciary Automation Fund” and inserting in lieu thereof “Judiciary Information Technology Fund”;

(3) by striking out “automatic data processing” and inserting in lieu thereof “information technology” each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:
“§ 310. Chief Information Officer

“(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

“(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1996.”.

SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) Definition.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

“(9) the term ‘information technology’ has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1996 but does not include national security systems as defined in section 5142 of that Act.”.

(b) Development of Standards and Guidelines by National Institute of Standards and Technology.—Section 3504(h)(1)(B) of such title is amended by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”.


(d) Collection of Information.—Section 3507(j)(2) of such title is amended by striking out “90 days” in the second sentence and inserting in lieu thereof “180 days”.

SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out “or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies”.

SEC. 5607. OTHER LAWS.

(a) National Institute of Standards and Technology Act.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(1) in subsection (a)—

(A) by striking out “section 3502(2) of title 44” each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof “section 3502(9) of title 44”; and

(B) in paragraph (4), by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”; and

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—
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(A) in paragraph (1)(B)(v), by striking out “as defined” and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—
(i) by striking out “system—” and all that follows through “means” in subparagraph (A) and inserting in lieu thereof “system’ means”; and
(ii) by striking out “; and” at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out “by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))”.

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—
(A) by striking out “Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949,” and inserting in lieu thereof “Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1996,”; and
(B) by striking out “Copies” and all that follows through “Code.”

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out “of automatic data processing and telecommunications equipment and services or”.

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

“310. Chief Information Officer.”.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.
SEC. 5702. SAVINGS PROVISIONS.

(a) Regulations, Instruments, Rights, and Privileges.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) Proceedings.—

(1) Proceedings Generally.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) Orders.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Discontinuance or Modification of Proceedings Not Prohibited.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) Other Authority and Prohibition.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) Regulations for Transfer of Proceedings.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Standards and Guidelines for Federal Computer Systems.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

SEC. 5703. RULES OF CONSTRUCTION.

(a) Relationship to Title 44, United States Code.—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) Relationship to Computer Security Act of 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100-235) and the amendments made by such Act.
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Approved February 10, 1996.

LEGISLATIVE HISTORY—S. 1124 (H.R. 1530) (S. 1026):
HOUSE REPORTS: Nos. 104–131 (Comm. on National Security) and 104–406 (Comm. of Conference), both accompanying H.R. 1530, and 104–450 (Comm. of Conference).
SENATE REPORTS: No. 104–112 accompanying S. 1026 (Comm. on Armed Services).
CONGRESSIONAL RECORD:
Jan. 24, House agreed to conference report.
Jan. 26, Senate agreed to conference report.
An Act

To eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “District of Columbia Financial Responsibility and Management Assistance Act of 1995”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purpose.

TITLE I—ESTABLISHMENT AND ORGANIZATION OF AUTHORITY

Sec. 102. Executive director and staff of Authority.
Sec. 103. Powers of Authority.
Sec. 104. Exemption from liability for claims.
Sec. 105. Treatment of actions arising from Act.
Sec. 106. Funding for operation of Authority.
Sec. 107. Suspension of activities.
Sec. 108. Application of laws of District of Columbia to Authority.

TITLE II—RESPONSIBILITIES OF AUTHORITY

Subtitle A—Establishment and Enforcement of Financial Plan and Budget for District Government

Sec. 201. Development of financial plan and budget for District of Columbia.
Sec. 203. Review of activities of District government to ensure compliance with approved financial plan and budget.
Sec. 204. Restrictions on borrowing by District during control year.
Sec. 601. Transitional provision for short-term advances.
Sec. 602. Short-term advances for seasonal cash-flow management.
Sec. 603. Security for advances.
Sec. 604. Reimbursement to the Treasury.
Sec. 605. Definitions.
Sec. 205. Deposit of annual Federal payment with Authority.
Sec. 206. Effect of finding of non-compliance with financial plan and budget.
Sec. 207. Recommendations on financial stability and management responsibility.
Sec. 208. Special rules for fiscal year 1996.
Sec. 209. Control periods described.

Subtitle B—Issuance of Bonds

Sec. 211. Authority to issue bonds.
Sec. 212. Pledge of security interest in revenues of District government.
Sec. 213. Establishment of debt service reserve fund.
Sec. 214. Other requirements for issuance of bonds.
Sec. 215. No full faith and credit of the United States.

Subtitle C—Other Duties of Authority

Sec. 221. Duties of Authority during year other than control year.
Sec. 222. General assistance in achieving financial stability and management efficiency.
Sec. 223. Obtaining reports.
Sec. 224. Reports and comments.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Other District budget reforms.
SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) A combination of accumulated operating deficits, cash shortages, management inefficiencies, and deficit spending in the current fiscal year have created a fiscal emergency in the District of Columbia.

(2) As a result of its current financial problems and management inefficiencies, the District of Columbia government fails to provide its citizens with effective and efficient services in areas such as education, health care, crime prevention, trash collection, drug abuse treatment and prevention, human services delivery, and the supervision and training of government personnel.

(3) The current financial and management problems of the District government have already adversely affected the long-term economic health of the District of Columbia by causing the migration of residents and businesses out of the District of Columbia and the failure of new residents and businesses to move to the District of Columbia.

(4) The fiscal and management problems in the District of Columbia government are pervasive across all segments of the government.

(5) A comprehensive approach to fiscal, management, and structural problems must be undertaken which exempts no part of the District government and which preserves home rule for the citizens of the District of Columbia.

(6) The current deficit of the District of Columbia must be resolved over a multi-year period, since it cannot be effectively addressed in a single year.

(7) The ability of the District government to obtain funds from capital markets in the future will be severely diminished without Congressional action to restore its financial stability.

(8) The failure to improve the financial situation of the District government will adversely affect the long-term economic health of the entire National Capital region.

(9) The efficient operation of the Federal Government may be adversely affected by the current problems of the District of Columbia not only through the services the District government provides directly to the Federal Government but through services provided indirectly such as street and traffic flow maintenance, public safety, and services affecting tourism.

(b) PURPOSE.—The purposes of this Act are as follows:

(1) To eliminate budget deficits and cash shortages of the District of Columbia through visionary financial planning, sound budgeting, accurate revenue forecasts, and careful spending.

(2) To ensure the most efficient and effective delivery of services, including public safety services, by the District government during a period of fiscal emergency.

(3) To conduct necessary investigations and studies to determine the fiscal status and operational efficiency of the District government.

(4) To assist the District government in—

(A) restructuring its organization and workforce to ensure that the residents of the District of Columbia are served by a local government that is efficient and effective;

(B) achieving an appropriate relationship with the Federal Government;

(C) ensuring the appropriate and efficient delivery of services; and
(D) modernizing its budget, accounting, personnel, procurement, information technology, and management systems to ensure the maximum financial and performance accountability of the District government and its officers and employees.

(5) To enhance the District government's access to the capital markets and to ensure the continued orderly payment of its debt service obligations.

(6) To ensure the long-term financial, fiscal, and economic vitality and operational efficiency of the District of Columbia.

(7) To examine the programmatic and structural relationship between the District government and the Federal Government.

(8) To provide for the review of the financial impact of activities of the District government before such activities are implemented or submitted for Congressional review.

(c) RULES OF CONSTRUCTION.—Nothing in this Act may be construed—

(1) to relieve any obligations existing as of the date of the enactment of this Act of the District government to repay any individual or entity from whom the District has borrowed funds, whether through the issuance of bonds or otherwise;

(2) to limit the authority of Congress to exercise ultimate legislative authority over the District of Columbia pursuant to Article I, section 8, clause 17 of the Constitution of the United States;

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining to the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

TITLE I—ESTABLISHMENT AND ORGANIZATION OF AUTHORITY

SEC. 101. DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.

(a) ESTABLISHMENT.—Pursuant to Article I, section 8, clause 17 of the Constitution of the United States, there is hereby established the District of Columbia Financial Responsibility and Management Assistance Authority, consisting of members appointed by the President in accordance with subsection (b). Subject to the conditions described in section 108 and except as otherwise provided in this Act, the Authority is established as an entity within the government of the District of Columbia, and is not established as a department, agency, establishment, or instrumentality of the United States Government.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority shall consist of 5 members appointed by the President who meet the qualifications described in subsection (c), except that the Authority may take any action under this Act (or any amendments made by this Act) at any time after the President has appointed 3 of its members.

(2) CONSULTATION WITH CONGRESS.—The President shall appoint the members of the Authority after consulting with the Chair of the Committee on Appropriations and the Chair of the Committee on Government Reform and Oversight of the House of Representatives, the Chair of the Committee
on Appropriations and the Chair of the Committee on Governmental Affairs of the Senate, and the Delegate to the House of Representatives from the District of Columbia.

(3) CHAIR.—The President shall designate one of the members of the Authority as the Chair of the Authority.

(4) SENSE OF CONGRESS REGARDING DEADLINE FOR APPOINTMENT.—It is the sense of Congress that the President should appoint the members of the Authority as soon as practicable after the date of the enactment of this Act, but in no event later than 25 days after the date of the enactment of this Act.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Authority shall be appointed for a term of 3 years.

(B) APPOINTMENT FOR TERM FOLLOWING INITIAL TERM.—As designated by the President at the time of appointment for the term immediately following the initial term, of the members appointed for the term immediately following the initial term—

(i) 1 member shall be appointed for a term of 1 year;

(ii) 2 members shall be appointed for a term of 2 years; and

(iii) 2 members shall be appointed for a term of 3 years.

(C) REMOVAL.—The President may remove any member of the Authority only for cause.

(c) QUALIFICATIONS FOR MEMBERSHIP.—An individual meets the qualifications for membership on the Authority if the individual—

(1) has knowledge and expertise in finance, management, and the organization or operation of business or government;

(2) does not provide goods or services to the District government (and is not the spouse, parent, child, or sibling of an individual who provides goods and services to the District government);

(3) is not an officer or employee of the District government; and

(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.

(d) NO COMPENSATION FOR SERVICE.—Members of the Authority shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Authority.

(e) ADOPTION OF BY-LAWS FOR CONDUCTING BUSINESS OF AUTHORITY.—

(1) IN GENERAL.—As soon as practicable after the appointment of its members, the Authority shall adopt by-laws, rules, and procedures governing its activities under this Act, including procedures for hiring experts and consultants. Such by-laws, rules, and procedures shall be public documents, and shall be submitted by the Authority upon adoption to the Mayor, the Council, the President, and Congress.

(2) CERTAIN ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS.—Under the by-laws adopted pursuant to paragraph (1), the Authority may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Authority shall be required in order for the Authority to—

(A) approve or disapprove a financial plan and budget under subtitle A of title II;

(B) implement recommendations on financial stability and management responsibility under section 207;
(C) give consent to the appointment of the Chief Financial Officer of the District of Columbia under section 424 of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 302); and
(D) give consent to the appointment of the Inspector General of the District of Columbia under section 208(a) of the District of Columbia Procurement Practices Act of 1985 (as amended by section 303(a)).

(3) ADOPTION OF RULES AND REGULATIONS OF DISTRICT OF COLUMBIA.—The Authority may incorporate in its by-laws, rules, and procedures under this subsection such rules and regulations of the District government as it considers appropriate to enable it to carry out its activities under this Act with the greatest degree of independence practicable.

SEC. 102. EXECUTIVE DIRECTOR AND STAFF OF AUTHORITY.

(a) EXECUTIVE DIRECTOR.—The Authority shall have an Executive Director who shall be appointed by the Chair with the consent of the Authority. The Executive Director shall be paid at a rate determined by the Authority, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.—

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Authority to assist it in carrying out its duties under this Act.

(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) IN GENERAL.—A Federal employee who, within 2 months after separating from the Federal Government, becomes employed by the Authority—

(A) may elect, for purposes of the retirement system in which that individual last participated before so separating, to have such individual’s period of service with the Authority treated in the same way as if performed in the position within the Federal Government from which separated, subject to the requisite employee deductions and agency contributions being currently deposited in the appropriate fund; and

(B) if, after serving with the Authority, such employee becomes reemployed by the Federal Government, shall be entitled to credit, for the full period of such individual’s service with the Authority, for purposes of determining the applicable leave accrual rate.
(2) RETIREMENT.—

(A) CONTRIBUTIONS.—For purposes of subparagraph (A)

(i) the employee deductions referred to in such

paragraph shall be made from basic pay for service

with the Authority, and shall be computed using the

same percentage as would then apply if the individual

were instead serving in the position within the Federal

Government from which separated; and

(ii) the agency contributions referred to in such

paragraph shall be made by the Authority.

(B) DOUBLE COVERAGE NOT PERMITTED.—An individ-

ual who makes an election under paragraph (1)(A) shall

be ineligible, while such election remains in effect, to

participate in any retirement system for employees of the
government of the District of Columbia.

(3) REGULATIONS.—The Office of Personnel Management

shall prescribe such regulations as may be necessary to carry

out this subsection. Regulations to carry out paragraph (1)(A)

shall be prescribed in consultation with the office or agency

of the government of the District of Columbia having jurisdic-
tion over any retirement system referred to in paragraph (2)(B).

SEC. 103. POWERS OF AUTHORITY.

(a) HEARINGS AND SESSIONS.—The Authority may, for the pur-

pose of carrying out this Act, hold hearings, sit and act at times

and places, take testimony, and receive evidence as the Authority

considers appropriate. The Authority may administer oaths or

affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent

of the Authority may, if authorized by the Authority, take any

action which the Authority is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—

(1) FROM FEDERAL GOVERNMENT.—Notwithstanding sec-
tions 552 (commonly known as the Freedom of Information
Act) and 552b (the Government in the Sunshine Act) of title
5, United States Code, the Authority may secure directly from
any department or agency of the United States information
necessary to enable it to carry out this Act, with the approval
of the head of that department or agency.

(2) FROM DISTRICT GOVERNMENT.—Notwithstanding any
other provision of law, the Authority shall have the right to
secure copies of such records, documents, information, or data
from any entity of the District government necessary to enable
the Authority to carry out its responsibilities under this Act.

At the request of the Authority, the Authority shall be granted
direct access to such information systems, records, documents
or information or data as will enable the Authority to carry
out its responsibilities under this Act. The head of the entity
of the District government responsible shall provide the Author-
ity with such information and assistance (including granting
the Authority direct access to automated or other information
systems) as the Authority requires under this paragraph.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Authority may accept,

use, and dispose of gifts, bequests, or devises of services or property,
both real and personal, for the purpose of aiding or facilitating
the work of the Authority. Gifts, bequests, or devises of money
and proceeds from sales of other property received as gifts, bequests,
or devises shall be deposited in such account as the Authority
may establish and shall be available for disbursement upon order
of the Chair.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Authority may issue subpoenas
requiring the attendance and testimony of witnesses and the
production of any evidence relating to any matter under inves-
tigation by the Authority. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the Authority may apply to a United States district court for an order requiring that person to appear before the Authority to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the Authority shall be served in the manner provided for subpoenas issued by United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Authority, the Administrator of General Services may provide to the Authority, on a reimbursable basis, the administrative support services necessary for the Authority to carry out its responsibilities under this Act.

(g) **AUTHORITY TO ENTER INTO CONTRACTS.**—The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) to carry out the Authority's responsibilities under this Act.

(h) **CIVIL ACTIONS TO ENFORCE POWERS.**—The Authority may seek judicial enforcement of its authority to carry out its responsibilities under this Act.

(i) **PENALTIES.**—

(1) **ACTS PROHIBITED.**—Any officer or employee of the District government who—

(A) takes any action in violation of any valid order of the Authority or fails or refuses to take any action required by any such order; or

(B) prepares, presents, or certifies any information (including any projections or estimates) or report for the Board or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, fails to immediately advise the Board or its agents thereof in writing,

shall be guilty of a misdemeanor.

(2) **ADMINISTRATIVE DISCIPLINE.**—In addition to any other applicable penalty, any officer or employee of the District government who knowingly and wilfully violates paragraph (1) shall be subject to appropriate administrative discipline, including (when appropriate) suspension from duty without pay or removal from office by order of either the Mayor or Authority.

(3) **REPORT BY MAYOR ON DISCIPLINARY ACTIONS TAKEN.**—

In the case of a violation of paragraph (1) by an officer or employee of the District government, the Mayor shall immediately report to the Board all pertinent facts together with a statement of the action taken thereon.

SEC. 104. EXEMPTION FROM LIABILITY FOR CLAIMS.

The Authority and its members may not be liable for any obligation of or claim against the District of Columbia resulting from actions taken to carry out this Act.
SEC. 105. TREATMENT OF ACTIONS ARISING FROM ACT.

(a) JURISDICTION ESTABLISHED IN DISTRICT COURT FOR DISTRICT OF COLUMBIA.—Except as provided in section 103(e)(2) (relating to the issuance of an order enforcing a subpoena), any action against the Authority or any action otherwise arising out of this Act, in whole or in part, shall be brought in the United States District Court for the District of Columbia.

(b) PROMPT APPEAL.—

(1) COURT OF APPEALS.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable only pursuant to a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT.—Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals which is issued pursuant to paragraph (1) may be had only if the petition for such review is filed within 10 days after the entry of such decision.

(c) TIMING OF RELIEF.—No order of any court granting declaratory or injunctive relief against the Authority, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) EXPEDITED CONSIDERATION.—It shall be the duty of the United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 106. FUNDING FOR OPERATION OF AUTHORITY.

(a) ANNUAL BUDGETING PROCESS.—

(1) SUBMISSION OF BUDGET.—The Authority shall submit a proposed budget for each fiscal year to the President for inclusion in the annual budget for the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act not later than the May 1 prior to the first day of the fiscal year. In the case of the budget for fiscal year 1996, the Authority shall submit its proposed budget not later than July 15, 1995.

(2) CONTENTS OF BUDGET.—The budget shall describe—

(A) expenditures of the Authority by each object class, including expenditures for staff of the Authority;

(B) services of personnel and other services provided by or on behalf of the Authority for which the Authority made no reimbursement; and

(C) any gifts or bequests made to the authority during the previous fiscal year.

(3) APPROPRIATIONS REQUIRED.—No amount may be obligated or expended by the Authority for a fiscal year (beginning with fiscal year 1996) unless such amount has been approved by Act of Congress, and then only according to such Act.

(4) CONFORMING AMENDMENT.—Section 453(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47±304.1(c), D.C. Code) is amended by striking the period at the end and inserting the following: ``, or to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”

(b) SPECIAL RULE FOR FUNDING OF OPERATIONS DURING FISCAL YEAR 1995.—As soon as practicable after the appointment of its
members, the Authority shall submit to the Mayor and the Presi-
(1) a request for reprogramming of funds under subsection 
(c)(1); and
(2) a description of anticipated expenditures of the Author-
ity for fiscal year 1995 (which shall be transmitted to Congress).
(c) SOURCES OF FUNDS.—
(1) USE OF PREVIOUSLY APPROPRIATED FUNDS IN DISTRICT 
BUDGET.—The Mayor shall transfer funds previously appro-
priated to the District government for a fiscal year for auditing 
and consulting services to the Authority (in such amounts as 
are provided in the budget request of the Authority under 
subsection (a) or, with respect to fiscal year 1995, the request 
submitted under subsection (b)(1)) for the purpose of carrying 
out the Authority's activities during the fiscal year.
(2) OTHER SOURCES OF FUNDS.—For provisions describing 
the sources of funds available for the operations of the Authority 
during a fiscal year (in addition to any interest earned on 
accounts of the Authority during the year), see section 
204(b)(1)(A) (relating to the set-aside of amounts requisitioned 
from the Treasury by the Mayor) and section 213(b)(3) (relating 
to the use of interest accrued from amounts in a debt service 
reserve fund of the Authority).

SEC. 107. SUSPENSION OF ACTIVITIES.
(a) SUSPENSION UPON PAYMENT OF AUTHORITY OBLIGATIONS.—
(1) IN GENERAL.—Upon the expiration of the 12-month 
period which begins on the date that the Authority certifies 
that all obligations arising from the issuance by the Authority 
of bonds, notes, or other obligations pursuant to subtitle B 
of title II have been discharged, and that all borrowings by 
or on behalf of the District of Columbia pursuant to title VI 
of the District of Columbia Revenue Act of 1939 (sec. 47- 
3401, D.C. Code) have been repaid, the Authority shall suspend 
any activities carried out under this Act and the terms of 
the members of the Authority shall expire.
(2) NO SUSPENSION DURING CONTROL YEAR.—The Authority 
may not suspend its activities pursuant to paragraph (1) at 
any time during a control year.
(b) REACTIVATION UPON INITIATION OF CONTROL PERIOD.—Upon 
receiving notice from the Chairs of the Appropriations Committees 
of the House of Representatives and the Senate that a control 
period has been initiated (as described in section 209) at any time 
after the Authority suspends its activities under subsection (a), 
the President shall appoint members of the Authority, and the 
Authority shall carry out activities under this Act, in the same 
manner as the President appointed members and the Authority 
carried out activities prior to such suspension.

SEC. 108. APPLICATION OF LAWS OF DISTRICT OF COLUMBIA TO 
AUTHORITY.
(a) IN GENERAL.—The following laws of the District of Columbia 
(as in effect on the date of the enactment of this Act) shall apply 
to the members and activities of the Authority:
(1) Section 742 of the District of Columbia Self-Government 
and Governmental Reorganization Act (sec. 1–1504, D.C. Code). 
(2) Sections 201 through 206 of the District of Columbia 
Freedom of Information Act (secs. 1–1521 through 1–1526, D.C. 
Code).
(3) Section 601 of the District of Columbia Campaign 
Finance Reform and Conflict of Interest Act (sec. 1–1461, D.C. 
Code).
(b) NO CONTROL, SUPERVISION, OVERSIGHT, OR REVIEW BY 
MAYOR OR COUNCIL.—
(1) IN GENERAL.—Neither the Mayor nor the Council may exercise any control, supervision, oversight, or review over the Authority or its activities.

(2) PROHIBITION AGAINST LEGISLATION AFFECTING AUTHORITY.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–233(a), D.C. Code) is amended—

(A) by striking “or” at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting “; or”;

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

“(10) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”.

(c) AUTHORITY NOT SUBJECT TO REPRESENTATION BY CORPORATION COUNSEL.—In any action brought by or on behalf of the Authority, and in any action brought against the Authority, the Authority shall be represented by such counsel as it may select, but in no instance may the Authority be represented by the Corporation Counsel of the District of Columbia.

TITLE II—RESPONSIBILITIES OF AUTHORITY

Subtitle A—Establishment and Enforcement of Financial Plan and Budget for District Government

SEC. 201. DEVELOPMENT OF FINANCIAL PLAN AND BUDGET FOR DISTRICT OF COLUMBIA.

(a) DEVELOPMENT OF FINANCIAL PLAN AND BUDGET.—For each fiscal year for which the District government is in a control period, the Mayor shall develop and submit to the Authority a financial plan and budget for the District of Columbia in accordance with this section.

(b) CONTENTS OF FINANCIAL PLAN AND BUDGET.—A financial plan and budget for the District of Columbia for a fiscal year shall specify the budgets for the District government under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act for the applicable fiscal year and the next 3 fiscal years (including the projected revenues and expenditures of each fund of the District government for such years), in accordance with the following requirements:

(1) The financial plan and budget shall meet the standards described in subsection (c) to promote the financial stability of the District government.

(2) The financial plan and budget shall provide for estimates of revenues and expenditures on a modified accrual basis.

(3) The financial plan and budget shall—

(A) describe lump sum expenditures by department by object class;

(B) describe capital expenditures (together with a schedule of projected capital commitments of the District government and proposed sources of funding);

(C) contain estimates of short-term and long-term debt (both outstanding and anticipated to be issued); and

(D) contain cash flow forecasts for each fund of the District government at such intervals as the Authority may require.
(4) The financial plan and budget shall include a statement describing methods of estimations and significant assumptions.

(5) The financial plan and budget shall include any other provisions and shall meet such other criteria as the Authority considers appropriate to meet the purposes of this Act, including provisions for changes in personnel policies and levels for each department or agency of the District government, changes in the structure and organization of the District government, and management initiatives to promote productivity, improvement in the delivery of services, or cost savings.

(c) Standards To Promote Financial Stability Described.—

(1) In general.—The standards to promote the financial stability of the District government applicable to the financial plan and budget for a fiscal year are as follows:

(A) In the case of the financial plan and budget for fiscal year 1996, the expenditures of the District government for each fiscal year (beginning with fiscal year 1999) may not exceed the revenues of the District government for each such fiscal year.

(B) During fiscal years 1996, 1997, and 1998, the District government shall make continuous, substantial progress towards equalizing the expenditures and revenues of the District government for such fiscal years (in equal annual installments to the greatest extent possible).

(C) The District government shall provide for the orderly liquidation of the cumulative fund balance deficit of the District government, as evidenced by financial statements prepared in accordance with generally accepted accounting principles.

(D) If funds in accounts of the District government which are dedicated for specific purposes have been withdrawn from such accounts for other purposes, the District government shall fully restore the funds to such accounts.

(E) The financial plan and budget shall assure the continuing long-term financial stability of the District government, as indicated by factors including access to short-term and long-term capital markets, the efficient management of the District government's workforce, and the effective provision of services by the District government.

(2) Application of Sound Budgetary Practices.—In meeting the standards described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the District government shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices.

(3) Assumptions Based on Current Law.—In meeting the standards described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the District government shall base estimates of revenues and expenditures on Federal law as in effect at the time of the preparation of the financial plan and budget.

(d) Repeal of Offsets Against Federal Payment and Other District Revenues.—Section 138 of the District of Columbia Appropriations Act, 1995, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d).

SEC. 202. PROCESS FOR SUBMISSION AND APPROVAL OF FINANCIAL PLAN AND ANNUAL DISTRICT BUDGET.

(a) Submission of Preliminary Financial Plan and Budget by Mayor.—Not later than the February 1 preceding a fiscal year for which the District government is in a control period, the Mayor shall submit to the Authority and the Council a financial plan
and budget for the fiscal year which meets the requirements of section 201.

(b) Review by Authority.—Upon receipt of the financial plan and budget for a fiscal year from the Mayor under subsection (a), the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.

(c) Action Upon Approval of Mayor's Preliminary Financial Plan and Budget.—

(1) Certification to Mayor.—
(A) In general.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) meets the requirements applicable under section 201—
(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and
(ii) the Mayor shall promptly submit the financial plan and budget to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.
(B) Deemed Approval After 30 Days.—
(i) In general.—If the Authority has not provided the Mayor, the Council, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subsection (d)(1) upon the expiration of the 30-day period which begins on the date the Authority receives the financial plan and budget from the Mayor under subsection (a), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i).
(ii) Explanation of Failure to Respond.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 30-day period described in such clause.

(2) Adoption of Financial Plan and Budget by Council After Receipt of Approved Financial Plan and Budget.—Notwithstanding the first sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, not later than 30 days after receiving the financial plan and budget for the fiscal year from the Mayor under paragraph (1)(A)(ii), the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit such financial plan and budget to the Mayor and the Authority.

(3) Review of Council Financial Plan and Budget by Authority.—Upon receipt of the financial plan and budget for a fiscal year from the Council under paragraph (2) (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by subsection (f)(2)), the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.
(4) Results of Authority review of Council's initial financial plan and budget.—

(A) Approval of Council's initial financial plan and budget.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) meets the requirements applicable under section 201—

(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) the Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(B) Disapproval of Council's initial budget.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) does not meet the requirements applicable under section 201, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor, the Council, the President, and Congress with a statement containing—

(i) the reasons for such disapproval;

(ii) the amount of any shortfall in the budget or financial plan; and

(iii) any recommendations for revisions to the budget the Authority considers appropriate to ensure that the budget is consistent with the financial plan and budget.

(C) Deemed approval after 15 days.—

(i) In general.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subparagraph (B) upon the expiration of the 15-day period which begins on the date the Authority receives the financial plan and budget from the Council under paragraph (2), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i).

(ii) Explanation of failure to respond.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.

(5) Authority review of Council's revised financial plan and budget.—

(A) Submission of Council's revised financial plan and budget.—Not later than 15 days after receiving the statement from the Authority under paragraph (4)(B), the Council shall promptly by Act adopt a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement, and shall submit such financial plan and budget to the Mayor and the Authority.

(B) Approval of Council's revised financial plan and budget.—If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) in accordance with the procedures described in this subsection, the Authority determines that
the revised financial plan and budget meets the requirements applicable under section 201—
(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and
(ii) the Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.
(C) Disapproval of Council's Revised Financial Plan and Budget.—
(i) In General.—If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) in accordance with the procedures described in this subsection, the Authority determines that the revised financial plan and budget does not meet the applicable requirements under section 201, the Authority shall—
(I) disapprove the financial plan and budget;
(II) provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval and describing the amount of any shortfall in the financial plan and budget; and
(III) approve and recommend a financial plan and budget for the District government which meets the applicable requirements under section 201, and submit such financial plan and budget to the Mayor, the Council, the President, and Congress.
(ii) Transmission of Rejected Financial Plan and Budget.—The Council shall promptly submit the revised financial plan and budget disapproved by the Authority under this subparagraph to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.
(D) Deemed Approval After 15 Days.—
(i) In General.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) or a statement of disapproval under subparagraph (C) upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Council under subparagraph (A), the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i).
(ii) Explanation of Failure to Respond.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.
(6) Deadline for Transmission of Financial Plan and Budget by Authority.—Notwithstanding any other provision of this section, not later than the June 15 preceding each fiscal year which is a control year, the Authority shall—
(A) provide Congress with a notice certifying its approval of the Council's initial financial plan and budget for the fiscal year under paragraph (4)(A); 
(B) provide Congress with a notice certifying its approval of the Council's revised financial plan and budget for the fiscal year under paragraph (5)(B); or 
(C) submit to Congress an approved and recommended financial plan and budget of the Authority for the District government for the fiscal year under paragraph (5)(C).

(d) Action Upon Disapproval of Mayor's Preliminary Financial Plan and Budget.—

(1) Statement of Disapproval.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) does not meet the requirements applicable under section 201, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor and the Council with a statement containing—
(A) the reasons for such disapproval; 
(B) the amount of any shortfall in the financial plan and budget; and 
(C) any recommendations for revisions to the financial plan and budget the Authority considers appropriate to ensure that the financial plan and budget meets the requirements applicable under section 201.

(2) Authority Review of Mayor's Revised Financial Plan and Budget.—

(A) Submission of Mayor's Revised Financial Plan and Budget.—Not later than 15 days after receiving the statement from the Authority under paragraph (1), the Mayor shall promptly submit to the Authority and the Council a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement.

(B) Approval of Mayor's Revised Financial Plan and Budget.—If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) meets the requirements applicable under section 201—
(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and
(ii) the Mayor shall promptly submit the financial plan and budget to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.

(C) Disapproval of Mayor's Revised Financial Plan and Budget.—

(i) In General.—If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) does not meet the requirements applicable under section 201, the Authority shall—
(I) disapprove the financial plan and budget; 
(II) shall provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval; and 
(III) recommend a financial plan and budget for the District government which meets the requirements applicable under section 201 and submit such financial plan and budget to the Mayor and the Council.

(ii) Submission of Rejected Financial Plan and Budget.—The Mayor shall promptly submit the revised financial plan and budget disapproved by the
Authority under this subparagraph to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.

(D) Deemed approval after 15 days.—

(i) In general.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) or a statement of disapproval under subparagraph (C) upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Mayor under subparagraph (A), the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i).

(ii) Explanation of failure to respond.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.

(3) Action by Council.—

(A) Adoption of financial plan and budget.—Notwithstanding the first sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, not later than 30 days after receiving the Mayor's approved revised financial plan and budget for the fiscal year under paragraph (2)(B) or (in the case of a financial plan and budget disapproved by the Authority) the financial plan and budget recommended by the Authority under paragraph (2)(C)(i)(III), the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit the financial plan and budget to the Mayor and the Authority.

(B) Review by Authority.—The financial plan and budget submitted by the Council under subparagraph (A) shall be subject to review by the Authority and revision by the Council in the same manner as the financial plan and budget submitted by the Council after an approved preliminary financial plan and budget of the Mayor under paragraphs (3), (4), (5), and (6) of subsection (c).

(e) Revisions to Financial Plan and Budget.—

(1) Permitting Mayor to submit revisions.—The Mayor may submit proposed revisions to the financial plan and budget for a control year to the Authority at any time during the year.

(2) Process for review, approval, disapproval, and Council action.—Except as provided in paragraph (3), the procedures described in subsections (b), (c), and (d) shall apply with respect to a proposed revision to a financial plan and budget in the same manner as such procedures apply with respect to the original financial plan and budget, except that subparagraph (B) of subsection (c)(1) (relating to deemed approval by the Authority of a preliminary financial plan and budget of the Mayor) shall be applied as if the reference to the term "30-day period" were a reference to "20-day period".

(3) Exception for revisions not affecting appropriations.—To the extent that a proposed revision to a financial plan and budget adopted by the Council pursuant to this subsection does not increase the amount of spending with respect
to any account of the District government, the revision shall become effective upon the Authority's approval of such revision (subject to review by Congress under section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act).

(f) **CONFORMING AMENDMENT TO BUDGET PROCESS REQUIREMENTS UNDER HOME RULE ACT.**

(1) **SUBMISSION OF UNBALANCED BUDGETS.**—Section 603 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313, D.C. Code) is amended—

(A) in subsection (c), by striking "The Council" the first place it appears and inserting "Except as provided in subsection (f), the Council";

(B) in subsection (d), by striking "The Mayor" and inserting "Except as provided in subsection (f), the Mayor"; and

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

"(f) In the case of a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995)—

"(1) subsection (c) (other than the fourth sentence) and subsection (d) shall not apply; and

"(2) the Council may not approve, and the Mayor may not forward to the President, any budget which is not consistent with the financial plan and budget established for the fiscal year under subtitle A of title II of such Act.".

(2) **EXPEDITED PROCEDURES FOR DISAPPROVAL OF ITEMS AND PROVISIONS OF COUNCIL BUDGET BY MAYOR.**—Section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–227(f), D.C. Code) is amended by adding at the end the following new sentence: "In the case of any budget act for a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), this subsection shall apply as if the reference in the second sentence to 'ten-day period' were a reference to 'five-day period' and the reference in the third sentence to 'thirty calendar days' were a reference to '5 calendar days'.".

(g) **PERMITTING MAYOR AND COUNCIL TO SPECIFY EXPENDITURES UNDER SCHOOL BOARD BUDGET DURING CONTROL YEAR.**

(1) **MAYOR'S ESTIMATE INCLUDED IN ANNUAL FINANCIAL PLAN AND BUDGET.**—Section 2(h) of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (sec. 31–103, D.C. Code) is amended by striking the period at the end and inserting the following: "except that in the case of a year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), the Mayor shall transmit the same together with the Mayor's own request for the amount of money required for the public schools for the year."

(2) **SPECIFICATION OF EXPENDITURES.**—Section 452 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 31–104, D.C. Code) is amended by adding at the end the following new sentence: "This section shall not apply with respect to the annual budget for any fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995).".

(h) **PERMITTING SEPARATION OF EMPLOYEES IN ACCORDANCE WITH FINANCIAL PLAN AND BUDGET.**—The fourth sentence of section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–242(3), D.C. Code) is amended by striking "pursuant to procedures" and all that follows through

SEC. 203. REVIEW OF ACTIVITIES OF DISTRICT GOVERNMENT TO ENSURE COMPLIANCE WITH APPROVED FINANCIAL PLAN AND BUDGET.

(a) REVIEW OF COUNCIL ACTS.—

(1) SUBMISSION OF ACTS TO AUTHORITY.—The Council shall submit to the Authority each Act passed by the Council and signed by the Mayor during a control year or vetoed by the Mayor and repassed by two-thirds of the Council present and voting during a control year, and each Act passed by the Council and allowed to become effective without the Mayor’s signature during a control year, together with the estimate of costs accompanying such Act required under section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 301(d)).

(2) PROMPT REVIEW BY AUTHORITY.—Upon receipt of an Act from the Council under paragraph (1), the Authority shall promptly review the Act to determine whether it is consistent with the applicable financial plan and budget approved under this subtitle and with the estimate of costs accompanying the Act (described in paragraph (1)).

(3) ACTIONS BY AUTHORITY.—

(A) APPROVAL.—Except as provided in subparagraph (C), if the Authority determines that an Act is consistent with the applicable financial plan and budget, the Authority shall notify the Council that it approves the Act, and the Council shall submit the Act to Congress for review in accordance with section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

(B) FINDING OF INCONSISTENCY.—Except as provided in subparagraph (C), if the Authority determines that an Act is significantly inconsistent with the applicable financial plan and budget, the Authority shall—

(i) notify the Council of its finding;

(ii) provide the Council with an explanation of the reasons for its finding; and

(iii) to the extent the Authority considers appropriate, provide the Council with recommendations for modifications to the Act.

(C) EXCEPTION FOR EMERGENCY ACTS.—Subparagraphs (A) and (B) shall not apply with respect to any act which the Council determines according to section 412(a) of the District of Columbia Self-Government and Governmental Reorganization Act should take effect immediately because of emergency circumstances.

(4) EFFECT OF FINDING.—If the Authority makes a finding with respect to an Act under paragraph (3)(B), the Council may not submit the Act to Congress for review in accordance with section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

(5) DEEMED APPROVAL.—If the Authority does not notify the Council that it approves or disapproves an Act submitted under this subsection during the 7-day period which begins on the date the Council submits the Act to the Authority, the Authority shall be deemed to have approved the Act in accordance with paragraph (3)(A). At the option of the Authority, the previous sentence shall be applied as if the reference to “7-day period” were a reference to “14-day period” if during such 7-day period the Authority so notifies the Council and the Mayor.
(6) Preliminary review of proposed acts.—At the request of the Council, the Authority may conduct a preliminary review of proposed legislation before the Council to determine whether the legislation as proposed would be consistent with the applicable financial plan and budget approved under this subtitle, except that any such preliminary review shall not be binding on the Authority in reviewing any Act subsequently submitted under this subsection.

(b) Effect of approved financial plan and budget on contracts and leases.—

(1) Mandatory prior approval for certain contracts and leases.—

(A) In general.—In the case of a contract or lease described in subparagraph (B) which is proposed to be entered into by the District government during a control year, the Mayor (or the appropriate officer or agent of the District government) shall submit the proposed contract or lease to the Authority. The Authority shall review each contract or lease submitted under this subparagraph, and the Mayor (or the appropriate officer or agent of the District government) may not enter into the contract or lease unless the Authority determines that the proposed contract or lease is consistent with the financial plan and budget for the fiscal year.

(B) Contracts and leases described.—A contract or lease described in this subparagraph is—

(i) a labor contract entered into through collective bargaining; or

(ii) such other type of contract or lease as the Authority may specify for purposes of this subparagraph.

(2) Authority to review other contracts and leases after execution.—

(A) In general.—In addition to the prior approval of certain contracts and leases under paragraph (1), the Authority may require the Mayor (or the appropriate officer or agent of the District government) to submit to the Authority any other contract (including a contract to carry out a grant) or lease entered into by the District government during a control year which is executed after the Authority has approved the financial plan and budget for the year under section 202(c) or 202(d), or any proposal of the District government to renew, extend, or modify a contract or lease during a control year which is made after the Authority has approved such financial plan and budget.

(B) Review by authority.—The Authority shall review each contract or lease submitted under subparagraph (A) to determine if the contract or lease is consistent with the financial plan and budget for the fiscal year. If the Authority determines that the contract or lease is not consistent with the financial plan and budget, the Mayor shall take such actions as are within the Mayor’s powers to revise the contract or lease, or shall submit a proposed revision to the financial plan and budget in accordance with section 202(e), so that the contract or lease will be consistent with the financial plan and budget.

(3) Special rule for fiscal year 1995.—The Authority may require the Mayor to submit to the Authority any proposal to renew, extend, or modify a contract or lease in effect during fiscal year 1995 to determine if the renewal, extension, or modification is consistent with the budget for the District of Columbia under the District of Columbia Appropriations Act, 1995.
(4) Special rule for contracts subject to council approval.—In the case of a contract or lease which is required to be submitted to the Authority under this subsection and which is subject to approval by the Council under the laws of the District of Columbia, the Mayor shall submit such contract or lease to the Authority only after the Council has approved the contract or lease.

(c) Restrictions on reprogramming of amounts in budget during control years.—

(1) Submissions of requests to authority.—If the Mayor submits a request to the Council for the reprogramming of any amounts provided in a budget for a fiscal year which is a control year after the budget is adopted by the Council, the Mayor shall submit such request to the Authority, which shall analyze the effect of the proposed reprogramming on the financial plan and budget for the fiscal year and submit its analysis to the Council not later than 15 days after receiving the request.

(2) No action permitted until analysis received.—The Council may not adopt a reprogramming during a fiscal year which is a control year, and no officer or employee of the District government may carry out any reprogramming during such a year, until the Authority has provided the Council with an analysis of a request for the reprogramming in accordance with paragraph (1).

SEC. 204. Restrictions on borrowing by District during control year.

(a) Prior approval required.—

(1) In general.—The District government may not borrow money during a control year unless the Authority provides prior certification that both the receipt of funds through such borrowing and the repayment of obligations incurred through such borrowing are consistent with the financial plan and budget for the year.

(2) Revisions to financial plan and budget permitted.—If the Authority determines that the borrowing proposed to be undertaken by the District government is not consistent with the financial plan and budget, the Mayor may submit to the Authority a proposed revision to the financial plan and budget in accordance with section 202(e) so that the borrowing will be consistent with the financial plan and budget as so revised.

(3) Borrowing described.—This subsection shall apply with respect to any borrowing undertaken by the District government, including borrowing through the issuance of bonds under part E of title IV of the District of Columbia Self-Government and Governmental Reorganization Act, the exercise of authority to obtain funds from the United States Treasury under title VI of the District of Columbia Revenue Act of 1939 (sec. 47–3401, D.C. Code), or any other means.

(4) Special rules for treasury borrowing during fiscal year 1995.—

(A) No prior approval required during initial period following appointment.—The District government may requisition advances from the United States Treasury under title VI of the District of Columbia Revenue Act of 1939 (sec. 47–3401, D.C. Code) without the prior approval of the Authority during the 45-day period which begins on the date of the appointment of the members of the Authority (subject to the restrictions described in such title, as amended by subsection (c)).

(B) Criteria for approval during remainder of fiscal year.—The District government may requisition advances described in subparagraph (A) during the portion
of fiscal year 1995 occurring after the expiration of the 45-day period described in such subparagraph if the Authority finds that—

(i) such borrowing is appropriate to meet the needs of the District government to reduce deficits and discharge payment obligations; and

(ii) the District government is making appropriate progress toward meeting its responsibilities under this Act (and the amendments made by this Act).

(b) Deposit of Funds Obtained Through Treasury With Authority.—

(1) Automatic deposit during control year.—If the Mayor requisitions funds from the Secretary of the Treasury pursuant to title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) during a control year (beginning with fiscal year 1996), such funds shall be deposited by the Secretary into an escrow account held by the Authority, to be used as follows:

(A) The Authority shall expend a portion of the funds for its operations during the fiscal year in which the funds are requisitioned, in such amount and under such conditions as are established under the budget of the Authority for the fiscal year under section 106(a).

(B) The Authority shall allocate the remainder of such funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate, consistent with the financial plan and budget for the year and with any other withholding of funds by the Authority pursuant to this Act.

(2) Optional deposit during fiscal year 1995.—

(A) During initial period following appointment.—If the Mayor requisitions funds described in paragraph (1) during the 45-day period which begins on the date of the appointment of the members of the Authority, the Secretary of the Treasury shall notify the Authority, and at the request of the Authority shall deposit such funds into an escrow account held by the Authority in accordance with paragraph (1).

(B) During remainder of fiscal year.—If the Mayor requisitions funds described in paragraph (1) during the portion of fiscal year 1995 occurring after the expiration of the 45-day period described in subparagraph (A), the Secretary of the Treasury shall deposit such funds into an escrow account held by the Authority in accordance with paragraph (1) at the request of the Authority.

(c) Conditions on Requisitions From Treasury.—Title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) is amended by striking all after the heading and inserting the following:

"SEC. 601. TRANSITIONAL PROVISION FOR SHORT-TERM ADVANCES.

"(a) Transitional Short-Term Advances Made Before October 1, 1995.—

"(1) In general.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the purpose of assisting the District government in meeting its general expenditures, as authorized by Congress.

"(2) Conditions to making any transitional short-term advance before October 1, 1995.—The Secretary shall make an advance under this subsection if the following conditions are satisfied:

"(A) the Mayor delivers to the Secretary a requisition for an advance under this section;
“(B) as of the date on which the requisitioned advance is to be made, the Authority has not approved a financial plan and budget for the District government as meeting the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995; 
“(C) the date on which the requisitioned advance is to be made is not later than September 30, 1995; 
“(D) the District government has delivered to the Secretary—
  “(i) a schedule setting forth the anticipated timing and amounts of requisitions for advances under this subsection; and
  “(ii) evidence demonstrating to the satisfaction of the Secretary that the District government is effectively unable to obtain credit in the public credit markets or elsewhere in sufficient amounts and on sufficiently reasonable terms to meet the District government’s financing needs; 
“(E) the Secretary determines that there is reasonable assurance of reimbursement for the advance from the amount authorized to be appropriated as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1996; and
“(F) except during the 45-day period beginning on the date of the appointment of the members of the Authority, the Authority makes the findings described in section 204(a)(4)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.
“(3) AMOUNT OF ANY TRANSITIONAL SHORT-TERM ADVANCE MADE BEFORE OCTOBER 1, 1995.—
“(A) IN GENERAL.—Except as provided in subparagraph (C), if the conditions described in subparagraph (B) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor’s requisition for such advance, except that—
  “(i) the total amount requisitioned under this subsection during the 30-day period which begins on the date of the first requisition made under this subsection may not exceed 33 1/3 percent of the fiscal year 1995 limit; 
  “(ii) the total amount requisitioned under this subsection during the 60-day period which begins on the date of the first requisition made under this subsection may not exceed 66 2/3 percent of the fiscal year 1995 limit; and
  “(iii) the total amount requisitioned under this subsection after the expiration of the 60-day period which begins on the date of the first requisition made under this subsection may not exceed 100 percent of the fiscal year 1995 limit.
“(B) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.—Subparagraph (A) applies if the Mayor determines that the amount designated in the Mayor’s requisition for such advance is needed to accomplish the purpose described in paragraph (1), and (except during the 45-day period beginning on the date of the appointment of the members of the Authority) the Authority approves such amount.
“(C) AGGREGATE MAXIMUM AMOUNT OUTSTANDING.—The sum of the anticipated principal and interest requirements of all advances made under this subsection may not be greater than the fiscal year 1995 limit.
“(D) Fiscal year 1995 limit described.—In this paragraph, the 'fiscal year 1995 limit' means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1995.

“(4) Maturity of any transitional short-term advance made before October 1, 1995.—

“(A) In general.—Except as provided in subparagraph (B), each advance made under this subsection shall mature on the date designated by the Mayor in the Mayor's requisition for such advance.

“(B) Latest permissible maturity date.—Notwithstanding subparagraph (A), the maturity date for any advance made under this subsection shall not be later than October 1, 1995.

“(5) Interest rate.—Each advance made under this subsection shall bear interest at an annual rate equal to the rate determined by the Secretary at the time that the Secretary makes such advance taking into consideration the prevailing yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advance, plus 1/8 of 1 percent.

“(6) Deposit of advances.—

“(A) In general.—Except as provided in subparagraph (B), each advance made under this subsection for the account of the District government shall be deposited by the Secretary into such account as is designated by the Mayor in the Mayor's requisition for such advance.

“(B) Exception.—Notwithstanding subparagraph (A), if (in accordance with section 204(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the Authority delivers a letter requesting the Secretary to deposit all advances made under this subsection for the account of the District government in an escrow account held by the Authority, each advance made under this subsection for the account of the District government after the date of such letter shall be deposited by the Secretary into the escrow account specified by the Authority in such letter.

“(b) Transitional short-term advances made on or after October 1, 1995 and before February 1, 1996.—

“(1) In general.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

“(2) Terms and conditions.—

“(A) In general.—Except as provided in subparagraph (B), paragraphs (2), (4), and (5) of subsection (a) (other than subparagraph (F) of paragraph (2)) shall apply to any advance made under this subsection.

“(B) Exceptions.—

“(i) New conditions precedent to making advances.—The conditions described in subsection (a)(2) shall apply with respect to making advances on or after October 1, 1995, in the same manner as such conditions apply with respect to making advances before October 1, 1995, except that—

“(II) subparagraph (C) (relating to the last day on which advances may be made) shall be applied as if the reference to ‘September 30, 1995’ were a reference to ‘January 31, 1996’;
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“(II) subparagraph (E) (relating to the Secretary's determination of reasonable assurance of reimbursement from the annual Federal payment appropriated to the District of Columbia) shall be applied as if the reference to ‘September 30, 1996’ were a reference to ‘September 30, 1997’;

“(III) the Secretary may not make an advance under this subsection unless all advances made under subsection (a) are fully reimbursed by withholding from the annual Federal payment appropriated to the District of Columbia for the fiscal year ending September 30, 1996, under title V of the District of Columbia Self-Government and Governmental Reorganization Act, and applying toward reimbursement for such advances an amount equal to the amount needed to fully reimburse the Treasury for such advances; and

“(IV) the Secretary may not make an advance under this subsection unless the Authority has provided the Secretary with the prior certification described in section 204(a)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(ii) NEW LATEST PERMISSIBLE MATURITY DATE.—The provisions of subsection (a)(4) shall apply with respect to the maturity of advances made after October 1, 1995, in the same manner as such provisions apply with respect to the maturity of advances made before October 1, 1995, except that subparagraph (B) of such subsection (relating to the latest permissible maturity date) shall apply as if the reference to ‘October 1, 1995’ were a reference to ‘October 1, 1996’.

“(C) NEW MAXIMUM AMOUNT OUTSTANDING.—

“(i) IN GENERAL.—Except as provided in clause (iii), if the conditions described in clause (ii) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor's requisition for such advance.

“(ii) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.—Clause (i) applies if the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in paragraph (1), and the Authority approves such amount.

“(iii) AGGREGATE MAXIMUM AMOUNT OUTSTANDING.—The sum of the anticipated principal and interest requirements of all advances made under this paragraph may not be greater than 60 percent of the fiscal year 1996 limit.

“(D) DEPOSIT OF ADVANCES.—As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, each advance made under this subsection for the account of the District shall be deposited by the Secretary into an escrow account held by the Authority.

“(E) FISCAL YEAR 1996 LIMIT DESCRIBED.—In this paragraph, the ‘fiscal year 1996 limit’ means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1996.

“(c) TRANSITIONAL SHORT-TERM ADVANCES MADE ON OR AFTER FEBRUARY 1, 1996, AND BEFORE OCTOBER 1, 1996.—
“(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

“(2) TERMS AND CONDITIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b)(2) shall apply to any advance made under this subsection.

“(B) EXCEPTIONS.—The conditions applicable under subsection (b)(2) (other than paragraph (2)(B) of subsection (a)) shall apply with respect to making advances on or after February 1, 1996, and before October 1, 1996, in the same manner as such conditions apply to making advances under such subsection, except that—

“(i) in applying subparagraph (C) of subsection (a)(2) (as described in subsection (b)(2)(B)(i)(I)), the reference to ‘October 1, 1995’ shall be deemed to be a reference to ‘September 30, 1996’;

“(ii) subparagraph (C)(iii) of subsection (b)(2) shall apply as if the reference to ‘60 percent’ were a reference to ‘40 percent’; and

“(iii) no advance may be made unless the Secretary has been provided the certifications and information described in paragraphs (3) through (6) of section 602(b).

“(d) TRANSITIONAL SHORT-TERM ADVANCES MADE ON OR AFTER OCTOBER 1, 1996, AND BEFORE OCTOBER 1, 1997.—

“(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

“(2) TERMS AND CONDITIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraphs (2), (4), and (5) of subsection (a) (other than subparagraphs (B) and (F) of paragraph (2)) shall apply to any advance made under this subsection.

“(B) EXCEPTIONS.—

“(i) NEW CONDITIONS PRECEDENT TO MAKING ADVANCES.—The conditions described in subsection (a)(2) shall apply with respect to making advances on or after October 1, 1996, and before October 1, 1997, in the same manner as such conditions apply with respect to making advances before October 1, 1995, except that—

“(I) subparagraph (C) (relating to the last day on which advances may be made) shall be applied as if the reference to ‘September 30, 1995’ were a reference to ‘September 30, 1997’;

“(II) subparagraph (E) (relating to the Secretary’s determination of reasonable assurance of reimbursement from the annual Federal payment appropriated to the District of Columbia) shall be applied as if the reference to ‘September 30, 1996’ were a reference to ‘September 30, 1997’;

“(III) the Secretary may not make an advance under this subsection unless all advances made under subsections (b) and (c) are fully reimbursed by withholding from the annual Federal payment appropriated to the District of Columbia for the fiscal year ending September 30, 1997, under title V of the District of Columbia Self-Government and Governmental Reorganization Act, and applying toward reimbursement for such advances an
amount equal to the amount needed to fully reimburse the Treasury for such advances; and

“(IV) the Secretary may not make an advance under this subsection unless the Secretary has been provided the certifications and information described in paragraphs (3) through (6) of section 602(b).

“(ii) New latest permissible maturity date.—

The provisions of subsection (a)(4) shall apply with respect to the maturity of advances made under this subsection, in the same manner as such provisions apply with respect to the maturity of advances made before October 1, 1995, except that subparagraph (B) of such subsection (relating to the latest permissible maturity date) shall apply as if the reference to ‘September 30, 1995’ were a reference to ‘September 30, 1997’.

“(C) New maximum amount outstanding.—

“(i) In general.—Except as provided in clause (iii), if the conditions described in clause (ii) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor’s requisition for such advance.

“(ii) Conditions applicable to designated amount.— Clause (i) applies if the Mayor determines that the amount designated in the Mayor’s requisition for such advance is needed to accomplish the purpose described in paragraph (1), and the Authority approves such amount.

“(iii) Aggregate maximum amount outstanding.— The sum of the anticipated principal and interest requirements of all advances made under this paragraph may not be greater than 100 percent of the fiscal year 1997 limit.

“(iv) Fiscal year 1997 limit described.— In this subparagraph, the ‘fiscal year 1997 limit’ means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1997.

“(D) Deposit of advances.— As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, each advance made under this subsection for the account of the District shall be deposited by the Secretary into an escrow account held by the Authority.

“SEC. 602. SHORT-TERM ADVANCES FOR SEASONAL CASH-FLOW MANAGEMENT.

“(a) In general.— If the conditions in subsection (b) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the purpose of assisting the District government in meeting its general expenditures, as authorized by Congress, at times of seasonal cash-flow deficiencies.

“(b) Conditions to making any short-term advance.— The Secretary shall make an advance under this section if—

“(1) the Mayor delivers to the Secretary a requisition for an advance under this section;

“(2) the date on which the requisitioned advance is to be made is in a control period;

“(3) the Authority certifies to the Secretary that—
"(A) the District government has prepared and submitted a financial plan and budget for the District government;

"(B) there is an approved financial plan and budget in effect under the District of Columbia Financial Responsibility and Management Assistance Act of 1995 for the fiscal year for which the requisition is to be made;

"(C) at the time of the Mayor's requisition for an advance, the District government is in compliance with the financial plan and budget;

"(D) both the receipt of funds from such advance and the reimbursement of the Treasury for such advance are consistent with the financial plan and budget for the year; and

"(E) such advance will not adversely affect the financial stability of the District government;

"(4) the Authority certifies to the Secretary, at the time of the Mayor's requisition for an advance, that the District government is effectively unable to obtain credit in the public credit markets or elsewhere in sufficient amounts and on sufficiently reasonable terms to meet the District government's financing needs;

"(5) the Inspector General of the District of Columbia certifies to the Secretary the information described in paragraph (3) by providing the Secretary with a certification conducted by an outside auditor under a contract entered into pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985;

"(6) the Secretary receives such additional certifications and opinions relating to the financial position of the District government as the Secretary determines to be appropriate from such other Federal agencies and instrumentalities as the Secretary determines to be appropriate; and

"(7) the Secretary determines that there is reasonable assurance of reimbursement for the advance from the amount authorized to be appropriated as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year following the fiscal year in which such advance is made.

"(c) AMOUNT OF ANY SHORT-TERM ADVANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (3), if the conditions in paragraph (2) are satisfied, each advance made under this section shall be in the amount designated by the Mayor in the Mayor's requisition for such advance.

"(2) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.—

Paragraph (1) applies if—

"(A) the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in subsection (a); and

"(B) the Authority—

"(i) concurs in the Mayor's determination under subparagraph (A); and

"(ii) determines that the reimbursement obligation of the District government for an advance made under this section in the amount designated in the Mayor's requisition is consistent with the financial plan for the year.

"(3) MAXIMUM AMOUNT OUTSTANDING.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the unpaid principal balance of all advances made under this section in any fiscal year of the District government shall not at any time be greater than 100 percent of applicable limit.

"(B) SPECIAL RULE FOR FISCAL YEAR 1997.—The unpaid principal balance of all advances made under this section
in fiscal year 1997 of the District government shall not at any time be greater than the difference between—

“(i) 150 percent of the applicable limit for such fiscal year; and
“(ii) the unpaid principal balance of any advances made under section 601(d).

“(C) APPLICABLE LIMIT DEFINED.—In this paragraph, the ‘applicable limit’ for a fiscal year is the amount authorized under title V of the District of Columbia Self-Government and Governmental Reorganization Act for appropriation as the Federal payment to the District of Columbia for the fiscal year following the fiscal year in which the advance is made.

“(d) MATURITY OF ANY SHORT-TERM ADVANCE.—
“(1) IN GENERAL.—Except as provided in paragraph (3), if the condition in paragraph (2) is satisfied, each advance made under this section shall mature on the date designated by the Mayor in the Mayor’s requisition for such advance.
“(2) CONDITION APPLICABLE TO DESIGNATED MATURITY.—Paragraph (1) applies if the Authority determines that the reimbursement obligation of the District government for an advance made under this section having the maturity date designated in the Mayor’s requisition is consistent with the financial plan for the year.
“(3) LATEST PERMISSIBLE MATURITY DATE.—Notwithstanding paragraph (1), the maturity date for any advance made under this section shall not be later than 11 months after the date on which such advance is made.

“(e) INTEREST RATE.—Each advance made under this section shall bear interest at an annual rate equal to a rate determined by the Secretary at the time that the Secretary makes such advance taking into consideration the prevailing yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advance, plus 1⁄8 of 1 percent.

“(f) 10-BUSINESS-DAY ZERO BALANCE REQUIREMENT.—After the expiration of the 12-month period beginning on the date on which the first advance is made under this section, the Secretary shall not make any new advance under this section unless the District government has—
“(1) reduced to zero at the same time the principal balance of all advances made under this section at least once during the previous 12-month period; and
“(2) not requisitioned any advance to be made under this section in any of the 10 business days following such reduction.

“(g) DEPOSIT OF ADVANCES.—As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, advances made under this section for the account of the District government shall be deposited by the Secretary into an escrow account held by the Authority.

“SEC. 603. SECURITY FOR ADVANCES.

“(a) IN GENERAL.—The Secretary shall require the District government to provide such security for any advance made under this title as the Secretary determines to be appropriate.
“(b) AUTHORITY TO REQUIRE SPECIFIC SECURITY.—As security for any advance made under this title, the Secretary may require the District government to—
“(1) pledge to the Secretary specific taxes and revenue of the District government, if such pledging does not cause the District government to violate existing laws or contracts; and
“(2) establish a debt service reserve fund pledged to the Secretary.
SEC. 604. REIMBURSEMENT TO THE TREASURY.

(a) REIMBURSEMENT AMOUNT.—

(1) IN GENERAL.—Except as provided in paragraph (2), on any date on which a reimbursement payment is due to the Treasury under the terms of any advance made under this title, the District shall pay to the Treasury the amount of such reimbursement payment out of taxes and revenue collected for the support of the District government.

(2) EXCEPTIONS FOR TRANSITIONAL ADVANCES.—

(A) ADVANCES MADE BEFORE OCTOBER 1, 1995.—

(i) FINANCIAL PLAN AND BUDGET APPROVED.—If the Authority approves a financial plan for the District government before October 1, 1995, the District government may use the proceeds of any advance made under section 602 to discharge its obligation to reimburse the Treasury for any advance made under section 601(a).

(ii) FINANCIAL PLAN AND BUDGET NOT APPROVED.—If the Authority has not approved a financial plan and budget for the District government by October 1, 1995, the annual Federal payment appropriated to the District government for the fiscal year ending September 30, 1996, shall be withheld and applied to discharge the District government’s obligation to reimburse the Treasury for any advance made under section 601(a).

(B) ADVANCES MADE ON OR AFTER OCTOBER 1, 1995.—

(i) FINANCIAL PLAN AND BUDGET APPROVED.—If the Authority approves a financial plan and budget for the District government during fiscal year 1996, the District may use the proceeds of any advance made under section 602 to discharge its obligation to reimburse the Treasury for any advance made under section 601(b).

(ii) FINANCIAL PLAN AND BUDGET NOT APPROVED.—If the Authority has not approved a financial plan and budget for the District government by October 1, 1996, the annual Federal payment appropriated to the District government for the fiscal year ending September 30, 1997, shall be withheld and applied to discharge the District government’s obligation to reimburse the Treasury for any advance made under section 601(b).

(b) REMEDIES FOR FAILURE TO REIMBURSE.—If, on any date on which a reimbursement payment is due to the Treasury under the terms of any advance made under this title, the District government does not make such reimbursement payment, the Secretary shall take the actions listed in this subsection.

(1) WITHHOLD ANNUAL FEDERAL PAYMENT.—Notwithstanding any other law, before turning over to the Authority (on behalf of the District government under section 205 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) any annual Federal payment appropriated to the District government for any fiscal year under title V of the District of Columbia Self-Government and Governmental Reorganization Act (if any), the Secretary shall withhold from such annual Federal payment, and apply toward reimbursement for the payment not made, an amount equal to the amount needed to fully reimburse the Treasury for the payment not made.

(2) WITHHOLD OTHER FEDERAL PAYMENTS.—If, after the Secretary takes the action described in paragraph (1), the Treasury is not fully reimbursed, the Secretary shall withhold from each grant, entitlement, loan, or other payment to the District government by the Federal Government not dedicated
to making entitlement or benefit payments to individuals, and
apply toward reimbursement for the payment not made, an
amount that, when added to the amount withheld from each
other such grant, entitlement, loan, or other payment, will
be equal to the amount needed to fully reimburse the Treasury
for the payment not made.

(3) ATTACH AVAILABLE DISTRICT REVENUES.—If, after the
Secretary takes the actions described in paragraphs (1) and
(2), the Treasury is not fully reimbursed, the Secretary shall
attach any and all revenues of the District government which
the Secretary may lawfully attach, and apply toward reimburse-
ment for the payment not made, an amount equal to the amount
needed to fully reimburse the Treasury for the payment not
made.

(4) TAKE OTHER ACTIONS.—If, after the Secretary takes
the actions described in paragraphs (1) through (3), the Treas-
ury is not fully reimbursed, the Secretary shall take any and
all other actions permitted by law to recover from the District
government the amount needed to fully reimburse the Treasury
for the payment not made.

"SEC. 605. DEFINITIONS.
"For purposes of this title—

"(1) the term ‘Authority’ means the District of Columbia
Financial Responsibility and Management Assistance Authority
established under section 101(a) of the District of Columbia
Financial Responsibility and Management Assistance Act of
1995;

"(2) the term ‘control period’ has the meaning given such
term under section 305(4) of such Act;

"(3) the term ‘District government’ has the meaning given
such term under section 305(5) of such Act;

"(4) the term ‘financial plan and budget’ has the meaning
given such term under section 305(6) of such Act; and

"(5) the term ‘Secretary’ means the Secretary of the Treas-
ury.’’.

(d) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE
WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the
Authority to the Mayor from the escrow account described in sub-
section (b)(1) may be expended by the Mayor only in accordance
with the terms and conditions established by the Authority at
the time the funds are allocated.

(e) PROHIBITION AGAINST BORROWING WHILE SUIT PENDING.—
The Mayor may not requisition advances from the Treasury pursu-
ant to title VI of the District of Columbia Revenue Act of 1939
if there is an action filed by the Mayor or the Council which
is pending against the Authority challenging the establish-
ment of or any action taken by the Authority.

SEC. 205. DEPOSIT OF ANNUAL FEDERAL PAYMENT WITH AUTHORITY.

(a) IN GENERAL.—

(1) DEPOSIT INTO ESCRROW ACCOUNT.—In the case of a fiscal
year which is a control year, the Secretary of the Treasury
shall deposit the annual Federal payment to the District of
Columbia for the year authorized under title V of the District
of Columbia Self-Government and Governmental Reorganiza-
tion Act into an escrow account held by the Authority, which
shall allocate the funds to the Mayor at such intervals and
in accordance with such terms and conditions as it considers
appropriate to implement the financial plan for the year. In
establishing such terms and conditions, the Authority shall
give priority to using the Federal payment for cash flow
management and the payment of outstanding bills owed by
the District government.
(2) **Exception for amounts withheld for advances.**—Paragraph (1) shall not apply with respect to any portion of the Federal payment which is withheld by the Secretary of the Treasury in accordance with section 604 of title VI of the District of Columbia Revenue Act of 1939 (as added by section 204(c)) to reimburse the Secretary for advances made under title VI of such Act.

(b) **Expenditure of funds from account in accordance with authority instructions.**—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.

**SEC. 206. Effect of finding of non-compliance with financial plan and budget.**

(a) **Submission of reports.**—Not later than 30 days after the expiration of each quarter of each fiscal year (beginning with fiscal year 1996), the Mayor shall submit reports to the Authority describing the actual revenues obtained and expenditures made by the District government during the quarter with its cash flows during the quarter, and comparing such actual revenues, expenditures, and cash flows with the most recent projections for these items.

(b) **Demand for additional information.**—If the Authority determines, based on reports submitted by the Mayor under subsection (a), independent audits, or such other information as the Authority may obtain, that the revenues or expenditures of the District government during a control year are not consistent with the financial plan and budget for the year, the Authority shall require the Mayor to provide such additional information as the Authority determines to be necessary to explain the inconsistency.

(c) **Certification of variance.**—

(1) **In general.**—After requiring the Mayor to provide additional information under subsection (b), the Authority shall certify to the Council, the President, the Secretary of the Treasury, and Congress that the District government is at variance with the financial plan and budget unless—

(A) (i) the additional information provides an explanation for the inconsistency which the Authority finds reasonable and appropriate, or

(ii) the District government adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(e)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget; and

(B) the Mayor agrees to submit the reports described in subsection (a) on a monthly basis for such period as the Authority may require.

(2) **Special rule for inconsistencies attributable to acts of Congress.**—

(A) **Determination by authority.**—If the Authority determines that the revenues or expenditures of the District government during a control year are not consistent with the financial plan and budget for the year as approved by the Authority under section 202 as a result of the terms and conditions of the budget of the District government for the year as enacted by Congress or as a result of any other law enacted by Congress which affects the District of Columbia, the Authority shall so notify the Mayor.

(B) **Certification.**—In the case of an inconsistency described in subparagraph (A), the Authority shall certify to the Council, the President, the Secretary of the Treasury,
and Congress that the District government is at variance with the financial plan and budget unless the District government adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(a)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget.

(d) **Effect of Certification.**—If the Authority certifies to the Secretary of the Treasury that a variance exists—

1. the Authority may withhold any funds deposited with the Authority under section 204(b) or section 205(a) which would otherwise be expended on behalf of the District government; and

2. the Secretary shall withhold funds otherwise payable to the District of Columbia under such Federal programs as the Authority may specify (other than funds dedicated to making entitlement or benefit payments to individuals), in such amounts and under such other conditions as the Authority may specify.

**SEC. 207. RECOMMENDATIONS ON FINANCIAL STABILITY AND MANAGEMENT RESPONSIBILITY.**

(a) **In General.**—The Authority may at any time submit recommendations to the Mayor, the Council, the President, and Congress on actions the District government or the Federal Government may take to ensure compliance by the District government with a financial plan and budget or to otherwise promote the financial stability, management responsibility, and service delivery efficiency of the District government, including recommendations relating to—

1. the management of the District government's financial affairs, including cash forecasting, information technology, placing controls on expenditures for personnel, reducing benefit costs, reforming procurement practices, and placing other controls on expenditures;

2. the relationship between the District government and the Federal Government;

3. the structural relationship of departments, agencies, and independent agencies within the District government;

4. the modification of existing revenue structures, or the establishment of additional revenue structures;

5. the establishment of alternatives for meeting obligations to pay for the pensions of former District government employees;

6. modifications or transfers of the types of services which are the responsibility of and are delivered by the District government;

7. modifications of the types of services which are delivered by entities other than the District government under alternative service delivery mechanisms (including privatization and commercialization);

8. the effects of District of Columbia laws and court orders on the operations of the District government;

9. the establishment of a personnel system for employees of the District government which is based upon employee performance standards; and

10. the improvement of personnel training and proficiency, the adjustment of staffing levels, and the improvement of training and performance of management and supervisory personnel.

(b) **Response to Recommendations for Actions Within Authority of District Government.**—

1. **In General.**—In the case of any recommendations submitted under subsection (a) during a control year which are within the authority of the District government to adopt, not later than 90 days after receiving the recommendations,
the Mayor or the Council (whichever has the authority to adopt the recommendation) shall submit a statement to the Authority, the President, and Congress which provides notice as to whether the District government will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Mayor or the Council (whichever is applicable) notifies the Authority and Congress under paragraph (1) that the District government will adopt any of the recommendations submitted under subsection (a), the Mayor or the Council (whichever is applicable) shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the District government has adopted the recommendation; and

(B) a schedule for auditing the District government’s compliance with the plan.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Mayor or the Council (whichever is applicable) notifies the Authority, the President, and Congress under paragraph (1) that the District government will not adopt any recommendation submitted under subsection (a) which the District government has authority to adopt, the Mayor or the Council shall include in the statement explanations for the rejection of the recommendations.

(c) IMPLEMENTATION OF REJECTED RECOMMENDATIONS BY AUTHORITY.—

(1) IN GENERAL.—If the Mayor or the Council (whichever is applicable) notifies the Authority, the President, and Congress under subsection (b)(1) that the District government will not adopt any recommendation submitted under subsection (a) which the District government has authority to adopt, the Authority may by a majority vote of its members take such action concerning the recommendation as it deems appropriate, after consulting with the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) EFFECTIVE DATE.—This subsection shall apply with respect to recommendations of the Authority made after the expiration of the 6-month period which begins on the date of the enactment of this Act.

SEC. 208. SPECIAL RULES FOR FISCAL YEAR 1996.

(a) ADOPTION OF TRANSITION BUDGET.—Notwithstanding any provision of section 202 to the contrary, in the case of fiscal year 1996, the following rules shall apply:

(1) Not later than 45 days after the appointment of its members, the Authority shall review the proposed budget for the District of Columbia for such fiscal year submitted to Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by section 202(f)(2)) and the multiyear plan for the District of Columbia prepared pursuant to section 443 of the District of Columbia Self-Government and Governmental Reorganization Act, and shall submit any recommendations for modifications to such financial plan and budget to promote the financial stability of the District government to the Mayor, the Council, the President, and Congress.

(2) Not later than 15 days after receiving the recommendations of the Authority submitted under paragraph (1), the Coun-
cil (in consultation with the Mayor) shall promptly adopt a revised budget for the fiscal year (in this section referred to as the “transition budget”), and shall submit the transition budget to the Authority, the President, and Congress.

(3) Not later than 15 days after receiving the transition budget from the Council under paragraph (2), the Authority shall submit a report to the Mayor, the Council, the President, and Congress analyzing the budget (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by section 202(f)(2)), and shall include in the report such recommendations for revisions to the transition budget as the Authority considers appropriate to promote the financial stability of the District government during the fiscal year.

(b) Financial Plan and Budget.—

(1) Deadline for Submission.—For purposes of section 202, the Mayor shall submit the financial plan and budget for fiscal year 1996 as soon as practicable after the date of the enactment of this Act (in accordance with guidelines established by the Authority).

(2) Adoption by Council.—In accordance with the procedures applicable under section 202 (including procedures providing for review by the Authority)—

(A) the Council shall adopt the financial plan and budget for the fiscal year (including the supplemental budget incorporated in the financial plan and budget) prior to the submission by the Mayor of the financial plan and budget for fiscal year 1997 under section 202(a); and

(B) the financial plan and budget adopted by the Council (and, in the case of a financial plan and budget disapproved by the Authority, together with the financial plan and budget approved and recommended by the Authority) shall be submitted to Congress (in accordance with the procedures applicable under such section) as a supplemental budget request for fiscal year 1996 (in accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act).

(3) Transition Budget as Temporary Financial Plan and Budget.—Until the approval of the financial plan and budget for fiscal year 1996 by the Authority under this subsection, the transition budget established under subsection (a) (as enacted by Congress) shall serve as the financial plan and budget adopted under this subtitle for purposes of this Act (and any provision of law amended by this Act) for fiscal year 1996.

(c) Restrictions on Advances From Treasury.—

(1) Monthly Determination of Progress Toward Financial Plan and Budget.—During each month of fiscal year 1996 prior to the adoption of the financial plan and budget, the Authority shall determine whether the District government is making appropriate progress in preparing and adopting a financial plan and budget for the fiscal year under this subtitle.

(2) Certification.—The Authority shall provide the President and Congress with a certification if the Authority finds that the District government is not making appropriate progress in developing the financial plan and budget for a month, and shall notify the President and Congress that the certification is no longer in effect if the Authority finds that the District government is making such progress after the certification is provided.

(3) Prohibition Against Allocation of Advances If Certification in Effect.—At any time during which a certification under paragraph (2) is in effect, the Authority may not allocate
any funds obtained through advances to the Mayor under title VI of the District of Columbia Revenue Act of 1939 from the escrow account in which the funds are held.

SEC. 209. CONTROL PERIODS DESCRIBED.

(a) INITIATION.—For purposes of this Act, a “control period” is initiated upon the occurrence of any of the following events (as determined by the Authority based upon information obtained through the Mayor, the Inspector General of the District of Columbia, or such other sources as the Authority considers appropriate):

1. The requisitioning by the Mayor of advances from the Treasury of the United States under title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code), or the existence of any unreimbursed amounts obtained pursuant to such authority.
2. The failure of the District government to provide sufficient revenue to a debt service reserve fund of the Authority under subtitle B.
3. The default by the District government with respect to any loans, bonds, notes, or other form of borrowing.
4. The failure of the District government to meet its payroll for any pay period.
5. The existence of a cash deficit of the District government at the end of any quarter of the fiscal year in excess of the difference between the estimated revenues of the District government and the estimated expenditures of the District government (including repayments of temporary borrowings) during the remainder of the fiscal year or the remainder of the fiscal year together with the first 6 months of the succeeding fiscal year (as determined by the Authority in consultation with the Chief Financial Officer of the District of Columbia).
6. The failure of the District government to make required payments relating to pensions and benefits for current and former employees of the District government.
7. The failure of the District government to make required payments to any entity established under an interstate compact to which the District of Columbia is a signatory.

(b) TERMINATION.—

1. GENERAL.—A control period terminates upon the certification by the Authority that—

A. the District government has adequate access to both short-term and long-term credit markets at reasonable interest rates to meet its borrowing needs; and

B. for 4 consecutive fiscal years (occurring after the date of the enactment of this Act) the expenditures made by the District government during each of the years did not exceed the revenues of the District government during such years (as determined in accordance with generally accepted accounting principles, as contained in the comprehensive annual financial report for the District of Columbia under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act).

2. CONSULTATION WITH INSPECTOR GENERAL.—In making the determination under this subsection, the Authority shall consult with the Inspector General of the District of Columbia.

(c) CONTROL PERIOD DEEMED TO EXIST UPON ENACTMENT.—For purposes of this subtitle, a control period is deemed to exist upon the enactment of this Act.

Subtitle B—Issuance of Bonds

SEC. 211. AUTHORITY TO ISSUE BONDS.

(a) GENERAL.—
PUBLIC LAW 104-8—APR. 17, 1995

DISTRICT OF COLUMBIA ACTS

(1) REQUEST OF MAYOR.—Subject to the requirements of this subtitle, the Authority may at the request of the Mayor pursuant to an Act of the Council issue bonds, notes, or other obligations to borrow funds to obtain funds for the use of the District government, in such amounts and in such manner as the Authority considers appropriate.

(2) SPECIAL RULE FOR INSTRUMENTALITIES WITH INDEPENDENT BORROWING AUTHORITY.—In the case of an agency or instrumentality of the District government which under law has the authority to issue bonds, notes, or obligations to borrow funds without the enactment of an Act of the Council, the Authority may issue bonds, notes, or other obligations to borrow funds for the use or functions of such agency or instrumentality at the request of the head of the agency or instrumentality.

(b) DEPOSIT OF FUNDS OBTAINED THROUGH BORROWING WITH AUTHORITY.—Any funds obtained by the District government through borrowing by the Authority pursuant to this subtitle shall be deposited into an escrow account held by the Authority, which shall allocate such funds to the District government in such amounts and at such times as the Authority considers appropriate, consistent with the specified purposes of such funds and the applicable financial plan and budget under subtitle A.

(c) USES OF FUNDS OBTAINED THROUGH BONDS.—Any funds obtained through the issuance of bonds, notes, or other obligations pursuant to this subtitle may be used for any purpose (consistent with the applicable financial plan and budget) under subtitle A for which the District government may use borrowed funds under the District of Columbia Self-Government and Governmental Reorganization Act and for any other purpose which the Authority considers appropriate.

SEC. 212. PLEDGE OF SECURITY INTEREST IN REVENUES OF DISTRICT GOVERNMENT.

(a) IN GENERAL.—The Authority may pledge or grant a security interest in revenues to individuals or entities purchasing bonds, notes, or other obligations issued pursuant to this subtitle.

(b) DEDICATION OF REVENUE STREAM FROM DISTRICT GOVERNMENT.—The Authority shall require the Mayor—

(1) to pledge or direct taxes or other revenues otherwise payable to the District government (which are not otherwise pledged or committed), including payments from the Federal Government, to the Authority for purposes of securing repayment of bonds, notes, or other obligations issued pursuant to this subtitle; and

(2) to transfer the proceeds of any tax levied for purposes of securing such bonds, notes, or other obligations to the Authority immediately upon collection.

SEC. 213. ESTABLISHMENT OF DEBT SERVICE RESERVE FUND.

(a) IN GENERAL.—As a condition for the issuance of bonds, notes, or other obligations pursuant to this subtitle, the Authority shall establish a debt service reserve fund in accordance with this section.

(b) REQUIREMENTS FOR FUND.—

(1) FUND DESCRIBED.—A debt service reserve fund established by the Authority pursuant to this subsection shall consist of such funds as the Authority may make available, and shall be a trust fund held for the benefit and security of the obligees of the Authority whose bonds, notes, or other obligations are secured by such fund.

(2) USES OF FUNDS.—Amounts in a debt service reserve fund may be used solely for the payment of the principal of bonds secured in whole or in part by such fund, the purchase or redemption of such bonds, the payment of interest on such bonds, or the payment of any redemption premium required
to be paid when such bonds and notes are redeemed prior
to maturity.

(3) **Restrictions on withdrawals.**—

(A) In general.—Amounts in a debt service reserve fund may not be withdrawn from the fund at any time in an amount that would reduce the amount of the fund to less than the minimum reserve fund requirement established for such fund in the resolution of the Authority creating such fund, except for withdrawals for the purpose of making payments when due of principal, interest, redemption premiums and sinking fund payments, if any, with respect to such bonds for the payment of which other moneys of the Authority are not available, and for the purpose of funding the operations of the Authority for a fiscal year (in such amounts and under such conditions as are established under the budget of the Authority for the fiscal year under section 106(a)).

(B) Use of excess funds.—Nothing in subparagraph (A) may be construed to prohibit the Authority from transferring any income or interest earned by, or increments to, any debt service reserve fund due to the investment thereof to other funds or accounts of the Authority (to the extent such transfer does not reduce the amount of the debt service reserve fund below the minimum reserve fund requirement established for such fund) for such purposes as the Authority considers appropriate to promote the financial stability and management efficiency of the District government.

**SEC. 214. Other requirements for issuance of bonds.**

(a) Minimum debt service reserve fund requirement.—The Authority may not at any time issue bonds, notes, or other obligations pursuant to this subtitle which are secured in whole or in part by a debt service reserve fund under section 213 if issuance of such bonds would cause the amount in the debt reserve fund to fall below the minimum reserve requirement for such fund, unless the Authority at the time of issuance of such bonds shall deposit in the fund an amount (from the proceeds of the bonds to be issued, or from other sources) which when added to the amount already in such fund will cause the total amount on deposit in such fund to equal or exceed the minimum reserve fund requirement established by the Authority at the time of the establishment of the fund.

(b) Amounts included in aggregate limit on District borrowing.—Any amounts provided to the District government through the issuance of bonds, notes, or other obligations to borrow funds pursuant to this subtitle shall be taken into account in determining whether the amount of funds borrowed by the District of Columbia during a fiscal year exceeds the limitation on such amount provided under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act.

**SEC. 215. No full faith and credit of the United States.**

The full faith and credit of the United States is not pledged for the payment of any principal of or interest on any bond, note, or other obligation issued by the Authority pursuant to this subtitle. The United States is not responsible or liable for the payment of any principal of or interest on any bond, note, or other obligation issued by the Authority pursuant to this subtitle.
PUBLIC LAW 104–8—APR. 17, 1995

DISTRICT OF COLUMBIA ACTS

Subtitle C—Other Duties of Authority

SEC. 221. DUTIES OF AUTHORITY DURING YEAR OTHER THAN CONTROL YEAR.

(a) IN GENERAL.—During the period beginning upon the termination of a control period pursuant to section 209(b) and ending with the suspension of its activities pursuant to section 107(a), the Authority shall conduct the following activities:

(1) The Authority shall review the budgets of the District government adopted by the Council under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act for each fiscal year occurring during such period.

(2) At such time prior to the enactment of such budget by Congress as the Authority considers appropriate, the Authority shall prepare a report analyzing the budget and submit the report to the Mayor, the Council, the President, and Congress.

(3) The Authority shall monitor the financial status of the District government and shall submit reports to the Mayor, the Council, the President, and Congress if the Authority determines that a risk exists that a control period may be initiated pursuant to section 209(a).

(4) The Authority shall carry out activities under subtitle B with respect to bonds, notes, or other obligations of the Authority outstanding during such period.

(b) REQUIRING MAYOR TO SUBMIT BUDGETS TO AUTHORITY.—With respect to the budget for each fiscal year occurring during the period described in subsection (a), at the time the Mayor submits the budget of the District government adopted by the Council to the President under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, the Mayor shall submit such budget to the Authority.

SEC. 222. GENERAL ASSISTANCE IN ACHIEVING FINANCIAL STABILITY AND MANAGEMENT EFFICIENCY.

In addition to any other actions described in this title, the Authority may undertake cooperative efforts to assist the District government in achieving financial stability and management efficiency, including—

(1) assisting the District government in avoiding defaults, eliminating and liquidating deficits, maintaining sound budgetary practices, and avoiding interruptions in the delivery of services;

(2) assisting the District government in improving the delivery of municipal services, the training and effectiveness of personnel of the District government, and the efficiency of management and supervision; and

(3) making recommendations to the President for transmission to Congress on changes to this Act or other Federal laws, or other actions of the Federal Government, which would assist the District government in complying with an approved financial plan and budget under subtitle A.

SEC. 223. OBTAINING REPORTS.

The Authority may require the Mayor, the Chair of the Council, the Chief Financial Officer of the District of Columbia, and the Inspector General of the District of Columbia, to prepare and submit such reports as the Authority considers appropriate to assist it in carrying out its responsibilities under this Act, including submitting copies of any reports regarding revenues, expenditures, budgets, costs, plans, operations, estimates, and other financial or budgetary matters of the District government.
SEC. 224. REPORTS AND COMMENTS.

(a) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the last day of each fiscal year which is a control year, the Authority shall submit a report to Congress describing—

(1) the progress made by the District government in meeting the objectives of this Act during the fiscal year;
(2) the assistance provided by the Authority to the District government in meeting the purposes of this Act for the fiscal year; and
(3) any other activities of the Authority during the fiscal year.

(b) REVIEW AND ANALYSIS OF PERFORMANCE AND FINANCIAL ACCOUNTABILITY REPORTS.—

(1) IN GENERAL.—The Authority shall review each report prepared and submitted by the Mayor under section 456 of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 3(a) of the Federal Payment Reauthorization Act of 1994), and shall submit a report to Congress analyzing the completeness and accuracy of such reports.

(2) SUBMISSION OF REPORTS BY MAYOR.—Section 456 of the District of Columbia Self-Government and Governmental Reorganization Act, as added by section 3(a) of the Federal Payment Reauthorization Act of 1994, is amended by adding at the end the following new subsection:

"(e) SUBMISSION OF REPORTS TO DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—In the case of any report submitted by the Mayor under this section for a fiscal year (or any quarter of a fiscal year) which is a control year under the District of Columbia Financial Responsibility and Management Assistance Act of 1995, the Mayor shall submit the report to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of such Act in addition to any other individual to whom the Mayor is required to submit the report under this section."

(c) COMMENTS REGARDING ACTIVITIES OF DISTRICT GOVERNMENT.—At any time during a control year, the Authority may submit a report to Congress describing any action taken by the District government (or any failure to act by the District government) which the Authority determines will adversely affect the District government's ability to comply with an approved financial plan and budget under subtitle A or will otherwise have a significant adverse impact on the best interests of the District of Columbia.

(d) REPORTS ON EFFECT OF FEDERAL LAWS ON DISTRICT GOVERNMENT.—At any time during any year, the Authority may submit a report to the Mayor, the Council, the President, and Congress on the effect of laws enacted by Congress on the financial plan and budget for the year and on the financial stability and management efficiency of the District government in general.

(e) MAKING REPORTS PUBLICLY AVAILABLE.—The Authority shall make any report submitted under this section available to the public, except to the extent that the Authority determines that the report contains confidential material.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OTHER DISTRICT BUDGET REFORMS.

(a) INCLUSION OF ALL FUNDS OF DISTRICT IN BUDGET OF DISTRICT GOVERNMENT.—

(1) IN GENERAL.—Section 103 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-202, D.C. Code) is amended—

87 Stat. 777.
108 Stat. 3488.
(A) by amending paragraph (10) to read as follows:
“(10) The term ‘District revenues’ means all funds derived from taxes, fees, charges, miscellaneous receipts, the annual Federal payment to the District authorized under title V, grants and other forms of financial assistance, or the sale of bonds, notes, or other obligations, and any funds administered by the District government under cost sharing arrangements.”;

(B) by amending paragraph (14) to read as follows:
“(14) The term ‘resources’ means revenues, balances, enterprise or other revolving funds, and funds realized from borrowing.”; and

(C) by amending paragraph (15) to read as follows:
“(15) The term ‘budget’ means the entire request for appropriations or loan or spending authority for all activities of all departments or agencies of the District of Columbia financed from all existing, proposed or anticipated resources, and shall include both operating and capital expenditures.”.

(2) **Effective Date.**—The amendments made by paragraph (1) shall apply with respect to revenues, resources, and budgets of the District of Columbia for fiscal years beginning with fiscal year 1996.

(b) **Restrictions on Reprogramming of Funds.**—

(1) **In General.**—Section 446 of such Act (sec. 47±304, D.C. Code) is amended by adding at the end the following:
“After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.”.

(2) **Conforming Amendment.**—Section 5 of D.C. Law 3±100 (sec. 47±364, D.C. Code) is hereby repealed.

(c) **Permitting Council To Request Budget Adjustments From Mayor.**—Section 442 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47±301, D.C. Code) is amended by adding at the end the following new subsection:
“(d) The Mayor shall prepare and submit to the Council a proposed supplemental or deficiency budget recommendation under subsection (c) if the Council by resolution requests the Mayor to submit such a recommendation.”.

(d) **Requiring Budgetary Impact Statements To Accompany Acts of Council.**—

(1) **In General.**—Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1±233(c), D.C. Code) is amended by adding at the end the following new paragraph:
“(3) The Council shall submit with each Act transmitted under this subsection an estimate of the costs which will be incurred by the District of Columbia as a result of the enactment of the Act in each of the first 4 fiscal years for which the Act is in effect, together with a statement of the basis for such estimate.”.

(2) **Effective Date.**—The amendment made by paragraph (1) shall apply to Acts of the Council transmitted on or after October 1, 1995.


87 Stat. 801.

87 Stat. 798.

87 Stat. 814.

108 Stat. 3488.
SEC. 302. ESTABLISHMENT OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part B of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following new section:

“CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

“SEC. 424. (a) ESTABLISHMENT OF OFFICE.—

“(1) IN GENERAL.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the ‘Office’), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the ‘Chief Financial Officer’).

“(2) OFFICE OF THE TREASURER.—The Office shall include the Office of the Treasurer, which shall be headed by the Treasurer of the District of Columbia, who shall be appointed by the Chief Financial Officer and subject to the Chief Financial Officer’s direction and control.

“(3) TRANSFER OF OTHER OFFICES.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are transferred to the Office:

“(A) The Controller of the District of Columbia.

“(B) The Office of the Budget.

“(C) The Office of Financial Information Services.

“(D) The Department of Finance and Revenue.

“(4) SERVICE OF HEADS OF OTHER OFFICES.—

“(A) OFFICE HEADS APPOINTED BY MAYOR.—With respect to the head of the Office of the Budget and the head of the Department of Finance and Revenue—

“(i) the Mayor shall appoint such individuals with the advice and consent of the Council, subject to the approval of the Authority during a control year; and

“(ii) during a control year, the Authority may remove such individuals from office for cause, after consultation with the Mayor.

“(B) OFFICE HEADS APPOINTED BY CHIEF FINANCIAL OFFICER.—With respect to the Controller of the District of Columbia and the head of the Office of Financial Information Services—

“(i) the Chief Financial Officer shall appoint such individuals subject to the approval of the Mayor; and

“(ii) the Chief Financial Officer may remove such individuals from office for cause, after consultation with the Mayor.

“(b) APPOINTMENT.—

“(1) IN GENERAL.—

“(A) CONTROL YEAR.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

“(i) Prior to the appointment of the Chief Financial Officer, the Authority may submit recommendations for the appointment to the Mayor.

“(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

“(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

“(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

“(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall be appointed by
the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

(2) REMOVAL.—

(A) CONTROL YEAR.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall serve at the pleasure of the Mayor, except that the Chief Financial Officer may only be removed for cause.

(3) SALARY.—The Chief Financial Officer shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) FUNCTIONS DURING CONTROL YEAR.—During a control year, the Chief Financial Officer shall have the following duties:


(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D.

(3) Assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Officer's authority, to ensure that budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

(5) With the approval of the Authority, preparing and submitting to the Mayor and the Council—

(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

(7) Maintaining systems of accounting and internal control designed to provide—

(A) full disclosure of the financial impact of the activities of the District government;

(B) adequate financial information needed by the District government for management purposes;

(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.
“(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

“(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

“(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council or the Authority.

“(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

“(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

“(14) Certifying all contracts (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts during the year.

“(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

“(16) Certifying and approving prior to payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

“(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

“(d) Functions During All Years.—At all times, the Chief Financial Officer shall have the following duties:

“(1) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

“(2) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

“(3) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.
“(4) Administering the centralized District government payroll and retirement systems.

“(5) Governing the accounting policies and systems applicable to the District government.

“(6) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

“(7) Not later than 120 days after the end of each fiscal year (beginning with fiscal year 1995), preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act.

“(e) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

“(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Such reports shall include:

“(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

“(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

“(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

“(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including, but not limited to—

“(i) the total of long-term and short-term investments;

“(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

“(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

“(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information;

“(v) an analysis of cash utilization, including—

“(1) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

“(2) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and
"(III) comparisons of estimated dollar return against actual dollar yield.

"(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect—

"(i) the amount of debt outstanding by type of instrument;

"(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

"(iii) a maturity schedule of the debt;

"(iv) the rate of interest payable upon the debt; and

"(v) the amount of debt service requirements and related debt service reserves.

"(2) Such other functions assigned to the Chief Financial Officer under subsection (c) or subsection (d) as the Chief Financial Officer may delegate.

"(f) DEFINITIONS.—In this section—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act.''.

(b) PROHIBITING DELEGATION OF CHIEF FINANCIAL OFFICER'S AUTHORITY.—Section 422(6) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1±242(6), D.C. Code) is amended by adding at the end the following: "Nothing in the previous sentence may be construed to permit the Mayor to delegate any functions assigned to the Chief Financial Officer of the District of Columbia under section 424, without regard to whether such functions are assigned to the Chief Financial Officer under such section during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) or during any other year."

(c) CONFORMING AMENDMENT.—Effective upon the appointment of the Chief Financial Officer of the District of Columbia under section 424(b) of the District of Columbia Self-Government and Governmental Reorganization Act (as added by subsection (a)), D.C. Law 3±138 (sec. 47±314 et seq., D.C. Code) is repealed.

(d) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following new item:

"Sec. 424. Chief Financial Officer of the District of Columbia."

SEC. 303. REVISIONS TO POWERS AND DUTIES OF INSPECTOR GENERAL OF DISTRICT OF COLUMBIA.

(a) APPOINTMENT AND TERM OF SERVICE; INDEPENDENCE OF BUDGET.—Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1±1182.8(a), D.C. Code) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1)(A) There is created within the executive branch of the government of the District of Columbia the Office of the Inspector General. The Office shall be headed by an Inspector General appointed pursuant to subparagraph (B), who shall serve for a term of 6 years and shall be subject to removal only for cause by the Mayor (with the approval of the District of Columbia Finan-
cial Responsibility and Management Assistance Authority in a control year) or (in the case of a control year) by the Authority. The Inspector General may be reappointed for additional terms.

(B) During a control year, the Inspector General shall be appointed by the Mayor as follows:

(i) Prior to the appointment of the Inspector General, the Authority may submit recommendations for the appointment to the Mayor.

(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

(C) During a year which is not a control year, the Inspector General shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

(D) The Inspector General shall be appointed without regard to party affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial management analysis, public administration, or investigations.

(E) The Inspector General shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The annual budget for the Office shall be adopted as follows:

(A) The Inspector General shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provision of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

(B) Upon receipt of the annual Federal payment for the District of Columbia authorized under title V of the District of Columbia Self-Government and Governmental Reorganization Act, the Mayor shall deposit a portion of the payment (equal to the estimate of necessary appropriations described in subparagraph (A)) into a dedicated fund within the government of the District of Columbia.

(C) Amounts deposited in the dedicated fund described in subparagraph (B) shall be available solely for the operation of the Office, and shall be paid to the Inspector General by the Mayor (acting through the Chief Financial Officer of the District of Columbia) in such installments and at such times as the Inspector General requires.”.

(b) ADDITIONAL POWERS AND DUTIES.—

(1) IN GENERAL.—Section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a)(3), D.C. Code) is amended—

(A) by striking “and” at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:
(G) Pursuant to a contract described in paragraph (4), provide certifications under section 602(b)(5) of title VI of the District of Columbia Revenue Act of 1939;

(H) Pursuant to a contract described in paragraph (4), audit the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act; and

(I) Not later than 30 days before the beginning of each fiscal year (beginning with fiscal year 1996) and in consultation with the Mayor, the Council, and the Authority, establish an annual plan for audits to be conducted under this paragraph during the fiscal year under which the Inspector General shall report only those variances which are in an amount equal to or greater than $1,000,000 or 1 percent of the applicable annual budget for the program in which the variance is found (whichever is lesser)."

(2) LIMITATION ON CONTRACT WITH OUTSIDE AUDITOR.—Section 208(a) of such Act (sec. 1–1182.8(a), D.C. Code) is amended by adding at the end the following new paragraph:

"(4) The Inspector General shall enter into a contract with an auditor who is not an officer or employee of the Office to—

(A) audit the financial statement and report described in paragraph (3)(H) for a fiscal year, except that the financial statement and report may not be audited by the same auditor (or an auditor employed by or affiliated with the same auditor) for more than 3 consecutive fiscal years; and

(B) audit the certification described in paragraph (3)(G)."

(3) SUBPOENA POWER.—Section 208(c) of such Act (sec. 1–1182.8(c), D.C. Code) is amended—

(A) by striking "(c)" and inserting "(c)(1)"; and

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

"(2)(A) The Inspector General may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Inspector General.

(B) If a person refuses to obey a subpoena issued under subparagraph (A), the Inspector General may apply to the Superior Court of the District of Columbia for an order requiring that person to appear before the Inspector General to give testimony, produce evidence, or both, relating to the matter under investigation. Any failure to obey the order of the court may be punished by the Superior Court as civil contempt."

(4) REFERRAL OF FINDINGS OF CRIMINAL ACTIVITY TO ATTORNEY GENERAL.—Section 208 of such Act (sec. 1–1182.8, D.C. Code) is amended by adding at the end the following new subsection:

"(f) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal or District criminal law."

(c) REVISION OF CURRENT POWERS AND DUTIES.—

(1) LIAISON REPRESENTATIVE FOR ALL EXTERNAL AUDITS OF DISTRICT GOVERNMENT.—Section 208(a)(3)(B) of such Act (sec. 1–1182.8(a)(3)(B), D.C. Code) is amended by striking "executive branch".

(2) APPLICATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—Section 208(b) of such Act (sec. 1–1182.8(b), D.C. Code) is amended by inserting "accounting and" after "accepted".

(3) ACCESS TO ALL NECESSARY RECORDS.—Section 208(c)(1) of such Act (sec. 1–1182.8(c), D.C. Code), as amended by sub-
section (b)(3), is amended by striking "relating to contracts and procurement".

(4) Submission of reports to Authority during control year.—Section 208(d) of such Act (sec. 1-1182.8(d), D.C. Code) is amended—

(A) in paragraph (1), by striking "the Mayor and the Council" and inserting "the Authority (or, with respect to a fiscal year which is not a control year, the Mayor and the Council)"; and

(B) in paragraph (2), by striking "the Mayor" and inserting "the Authority, the Mayor, ".

(5) Making reports publicly available.—Section 208(d) of such Act (sec. 1-1182.8(d), D.C. Code) is amended by adding at the end the following new paragraph:

"(4) The Inspector General shall make each report submitted under this subsection available to the public, except to the extent that the report contains information determined by the Inspector General to be privileged."

(6) Responding to requests of Authority.—Section 208(e) of such Act (sec. 1-1182.8(e), D.C. Code) is amended by striking "the Director" and inserting "the Authority".

(d) Definitions.—Section 208 of such Act (sec. 1-1182.8, D.C. Code), as amended by subsection (b)(4), is amended by adding at the end the following new subsection:

"(g) In this section—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act."

(e) Deadline for appointment.—

(1) in general.—Not later than 30 days after its members are appointed, the Authority shall appoint the Inspector General of the District of Columbia pursuant to section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985 (as amended by subsection (a)).

(2) transition rule.—The term of service of the individual serving as the Inspector General under section 208(a) of the District of Columbia Procurement Practices Act of 1985 prior to the appointment of the Inspector General by the Authority under section 208(a)(1) of such Act (as amended by subsection (a)) shall expire upon the appointment of the Inspector General by the Authority.

SEC. 304. Council approval of certain contracts.

(a) in general.—Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-1130, D.C. Code) is amended—

(1) by amending the heading to read as follows: "Special rules regarding certain contracts";

(2) by striking "No contract" and inserting "(a) Contracts extending beyond one year.—No contract"; and

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

"(b) Contracts exceeding certain amount.—

"(1) in general.—No contract involving expenditures in excess of $1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council)."

"(2) deemed approval.—For purposes of paragraph (1), the Council shall be deemed to approve a contract if—
PUBLIC LAW 104–8—APR. 17, 1995

“(A) during the 10-day period beginning on the date the Mayor submits the contract to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

“(B) during the 45-calendar day period beginning on the date the Mayor submits the contract to the Council, the Council does not disapprove the contract.”.

(b) CLERICAL AMENDMENT.—The table of contents of the District of Columbia Self-Government and Governmental Reorganization Act is amended by amending the item relating to section 451 to read as follows:

“Sec. 451. Special rules regarding certain contracts.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts made on or after the date of the enactment of this Act.

SEC. 305. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a).

(2) The term “Council” means the Council of the District of Columbia.

(3) The term “control period” has the meaning given such term in section 209.

(4) The term “control year” means any fiscal year for which a financial plan and budget approved by the Authority under section 202(b) is in effect, and includes fiscal year 1996.

(5) The term “District government” means the government of the District of Columbia, including any department, agency or instrumentality of the government of the District of Columbia; any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act or any other agency, board, or commission established by the Mayor or the Council; the courts of the District of Columbia; the Council of the District of Columbia; and any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia), except that such term does not include the Authority.

(6) The term “financial plan and budget” means a financial plan and budget described in subtitle A of title II, and includes the budgets of the District government for the fiscal years which are subject to the financial plan and budget (as described in section 201(b)).

(7) The term “Mayor” means the Mayor of the District of Columbia.

Approved April 17, 1995.
An Act

To authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Highway Relief Act".

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—In this section, the term "eligible project" means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) PAYMENT OF NON-FEDERAL SHARE.—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.

(c) REPAYMENT REQUIREMENTS.—

(1) FISCAL YEAR 1996.—By September 30, 1996, the District of Columbia shall pay to the United States from amounts
in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in such fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(2) FISCAL YEAR 1997.—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a) and with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(3) FISCAL YEAR 1998.—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(4) DEPOSIT OF REPAID FUNDS.—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(d) ENFORCEMENT.—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve any highway project in the District of Columbia under title 23, United States Code, until the requirement is met.

(e) GAO AUDIT.—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operations of the fund established under this section and shall submit to Congress a report on the results of such audit and on the financial condition and the results of the operation of the fund during the preceding fiscal year and on the expected condition and operations of the fund during the next 5 fiscal years.

SEC. 4. ADDITIONAL REQUIREMENTS.

(a) EXPEDITIOUS PROCESSING AND EXECUTION OF CONTRACTS.—The District of Columbia shall expeditiously process and execute contracts to implement the Federal-aid highway program in the District of Columbia.

(b) REVOLVING FUND ACCOUNT.—The District of Columbia shall establish an independent revolving fund account for Federal-aid highway projects. The account shall be separate from the capital account of the Department of Public Works of the District of Columbia and shall be reserved for the prompt payment of contractors.
completing highway projects in the District of Columbia under title 23, United States Code.

(c) HIGHWAY PROJECT EXPERTISE AND RESOURCES.—The District of Columbia shall ensure that necessary expertise and resources are available for planning, design, and construction of Federal-aid highway projects in the District of Columbia.

(d) PROGRAMMATIC REFORMS.—The Secretary of Transportation, in consultation with the District of Columbia Financial Responsibility and Management Assistance Authority, may require administrative and programmatic reforms by the District of Columbia to ensure efficient management of the Federal-aid highway program in the District of Columbia.

(e) GAO AUDIT.—The Comptroller General of the United States shall review implementation of the requirements of this section (including requirements imposed under subsection (d)) and report to Congress on the results of such review not later than July 1, 1996.

Approved August 4, 1995.

LEGISLATIVE HISTORY—H.R. 2017 (S. 1023):

HOUSE REPORTS: No. 104–217, Pt. 1 (Comm. on Transportation and Infrastructure).


July 20, S. 1023 considered and passed Senate.

July 31, H.R. 2017 considered and passed House and Senate.


Aug. 4, Presidential statement.
An Act

To permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Convention Center and Sports Arena Authorization Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

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TITLE I—CONVENTION CENTER

SEC. 101. PERMITTING WASHINGTON CONVENTION CENTER AUTHORITY TO EXPEND REVENUES FOR CONVENTION CENTER ACTIVITIES.

(a) PERMITTING EXPENDITURE WITHOUT APPROPRIATION.—The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47±304, D.C. Code) shall not apply with respect to any revenues of the District of Columbia which are attributable to the enactment of title III of the Washington Convention Center Authority Act of 1994 (D.C. Law 10±188) and which are obligated or expended for the activities described in subsection (b).

(b) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(1) the operation and maintenance of the existing Washington Convention Center; and

(2) preconstruction activities with respect to a new convention center in the District of Columbia, including land acquisition and the conducting of environmental impact studies, architecture and design studies, surveys, and site acquisition.
TITLE II—SPORTS ARENA

SEC. 201. PERMITTING DESIGNATED AUTHORITY TO BORROW FUNDS FOR PRECONSTRUCTION ACTIVITIES RELATING TO GAL- LERY PLACE SPORTS ARENA.

(a) PERMITTING BORROWING.—

(1) IN GENERAL.—The designated authority may borrow funds through the issuance of revenue bonds, notes, or other obligations which are secured by revenues pledged in accordance with paragraph (2) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 if the designated authority is granted the authority to borrow funds for such purposes by the District of Columbia government.

(2) REVENUE REQUIRED TO SECURE BORROWING.—The designated authority may borrow funds under paragraph (1) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 only if such borrowing is secured (in whole or in part) by the pledge of revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Law 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Act 10–315)) and which are transferred by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) TREATMENT OF DEBT CREATED.—Any debt created pursuant to subsection (a) shall not—

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1–233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

(c) DESIGNATED AUTHORITY DEFINED.—The term “designated authority” means the Redevelopment Land Agency or such other District of Columbia government agency or instrumentality designated by the Mayor of the District of Columbia for purposes of carrying out any arena preconstruction activities.

SEC. 202. PERMITTING CERTAIN DISTRICT REVENUES TO BE PLEDGED AS SECURITY FOR BORROWING.

(a) IN GENERAL.—The District of Columbia (including the designated authority described in section 201(c)) may pledge as security for any borrowing undertaken pursuant to section 201(a) any revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Act 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Law 10–315)), upon the transfer of such revenues by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) EXCLUSION OF PLEDGED REVENUES FROM CALCULATION OF ANNUAL AGGREGATE LIMIT ON DEBT.—Any revenues pledged as security by the District of Columbia pursuant to subsection (a) shall be excluded from the determination of the dollar amount...

SEC. 203. NO APPROPRIATION NECESSARY FOR ARENA PRECONSTRUCTION ACTIVITIES.

The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304, D.C. Code) shall not apply with respect to any of the following obligations or expenditures:

1. Borrowing conducted pursuant to section 201(a).
2. The pledging of revenues as security for such borrowing pursuant to section 202(a).
3. The payment of principal, interest, premium, debt servicing, contributions to reserves, or other costs associated with such borrowing.
4. Other obligations or expenditures made to carry out any arena preconstruction activity described in section 204.

SEC. 204. ARENA PRECONSTRUCTION ACTIVITIES DESCRIBED.

The arena preconstruction activities described in this section are as follows:

1. The acquisition of real property (or rights in real property) to serve as the site of the sports arena and related facilities.
2. The clearance, preparation, grading, and development of the site of the sports arena and related facilities, including the demolition of existing buildings.
3. The provision of sewer, water, and other utility facilities and infrastructure related to the sports arena.
4. The financing of a Metrorail connection to the site and other Metrorail modifications related to the sports arena.
5. The relocation of employees and facilities of the District of Columbia government displaced by the construction of the sports arena and related facilities.
6. The use of environmental, legal, and consulting services (including services to obtain regulatory approvals) for the construction of the sports arena.
7. The financing of administrative and transaction costs incurred in borrowing funds pursuant to section 201(a), including costs incurred in connection with the issuance, sale, and delivery of bonds, notes, or other obligations.
8. The financing of other activities of the District of Columbia government associated with the development and construction of the sports arena, including the reimbursement of the District of Columbia government or others for costs incurred prior to the date of the enactment of this Act which were related to the sports arena, so long as the designated authority determines that such costs are adequately documented and that the incurring of such costs was reasonable.
TITLE III—WAIVER OF CONGRESSIONAL REVIEW

SEC. 301. WAIVER OF CONGRESSIONAL REVIEW OF ARENA TAX PAYMENT AND USE AMENDMENT ACT OF 1995.

Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the Arena Tax Payment and Use Amendment Act of 1995 (D.C. Act 11-115) shall take effect on the date of the enactment of this Act.

Approved September 6, 1995.

LEGISLATIVE HISTORY—H.R. 2108:
HOUSE REPORTS: No. 104-227 (Comm. on Government Reform and Oversight).
Aug. 4, considered and passed House.
Aug. 11, considered and passed Senate.
An Act

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

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

TITLE I—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) The term "Eklutna" means the Eklutna Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Eklutna Purchase Agreement.

(2) The term "Eklutna Purchase Agreement" means the August 2, 1989, Eklutna Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Eklutna Purchasers, together with any amendments thereto adopted before the enactment of this section.

(3) The term "Eklutna Purchasers" means the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc. and the Matanuska Electric Association, Inc.

(4) The term "Snettisham" means the Snettisham Hydroelectric Project and related assets as described in section 4 and Exhibit A of the Snettisham Purchase Agreement.

(5) The term "Snettisham Purchase Agreement" means the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority and its successors in interest, together with any amendments thereto adopted before the enactment of this section.

(6) The term "Snettisham Purchaser" means the Alaska Industrial Development and Export Authority or a successor State agency or authority.

SEC. 103. SALE OF EKLUTNA AND SNETTISHAM HYDROELECTRIC PROJECTS.

(a) Sale of Eklutna.—The Secretary of Energy is authorized and directed to sell Eklutna to the Eklutna Purchasers in accordance with the terms of this Act and the Eklutna Purchase Agreement.

(b) Sale of Snettisham.—The Secretary of Energy is authorized and directed to sell Snettisham to the Snettisham Purchaser in accordance with the terms of this Act and the Snettisham Purchase Agreement.

(c) Cooperation of Other Agencies.—The heads of other Federal departments, agencies, and instrumentalities of the United States of America are authorized and directed to cooperate with the Secretary of Energy in their respective areas of jurisdiction to carry out the purposes of this Act.
States shall assist the Secretary of Energy in implementing the sales and conveyances authorized and directed by this title.

(d) PROCEEDS.—Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchasers.

(f) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law, the Alaska Power Administration is authorized to receive, administer, and expend such contributed funds as may be provided by the Eklutna Purchasers or customers or the Snettisham Purchaser or customers for the purposes of upgrading, improving, maintaining, or administering Eklutna or Snettisham. Upon the termination of the Alaska Power Administration under section 104(f), the Secretary of Energy shall administer and expend any remaining balances of such contributed funds for the purposes intended by the contributors.

SEC. 104. EXEMPTION AND OTHER PROVISIONS.

(a) FEDERAL POWER ACT.—(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of Part I of the Federal Power Act (16 U.S.C. 791a et seq.), except as provided in subsection (b).

(2) The exemption provided by paragraph (1) shall not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b) SUBSEQUENT TRANSFERS.—Except for subsequent assignment of interest in Eklutna by the Eklutna Purchasers to the Alaska Electric Generation and Transmission Cooperative Inc. pursuant to section 19 of the Eklutna Purchase Agreement, upon any subsequent sale or transfer of any portion of Eklutna or Snettisham from the Eklutna Purchasers or the Snettisham Purchaser to any other person, the exemption set forth in paragraph (1) of subsection (a) of this section shall cease to apply to such portion.

(c) REVIEW.—(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than 90 days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the Program, or be barred.

(d) EKLUTNA LANDS.—With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—
(A) at no cost to the Eklutna Purchasers;
(B) to remain effective for a period equal to the life
of Eklutna as extended by improvements, repairs, renewals,
or replacements; and
(C) sufficient for the operation of, maintenance of,
repair to, and replacement of, and access to, Eklutna facili-
ties located on military lands and lands managed by the
Bureau of Land Management, including lands selected by
the State of Alaska.
(2) Fee title to lands at Anchorage Substation shall be
transferred to Eklutna Purchasers at no additional cost if the
Secretary of the Interior determines that pending claims to,
and selections of, those lands are invalid or relinquished.
(3) With respect to the Eklutna lands identified in para-
graph 1 of Exhibit A of the Eklutna Purchase Agreement,
the State of Alaska may select, and the Secretary of the Interior
shall convey to the State, improved lands under the selection
entitlements in section 6 of the Act of July 7, 1958 (commonly
referred to as the Alaska Statehood Act, Public Law 85–508;
72 Stat. 339), and the North Anchorage Land Agreement dated
January 31, 1983. This conveyance shall be subject to the
rights-of-way provided to the Eklutna Purchasers under para-
graph (1).

(e) SNETTISHAM LANDS.—With respect to the Snettisham lands
identified in paragraph 1 of Exhibit A of the Snettisham Purchase
Agreement and Public Land Order No. 5108, the State of Alaska
may select, and the Secretary of the Interior shall convey to the
State of Alaska, improved lands under the selection entitlements
in section 6 of the Act of July 7, 1958 (commonly referred to

(f) TERMINATION OF ALASKA POWER ADMINISTRATION.—Not later
than one year after both of the sales authorized in section 103
have occurred, as measured by the Transaction Dates stipulated
in the Purchase Agreements, the Secretary of Energy shall—
(1) complete the business of, and close out, the Alaska
Power Administration;
(2) submit to Congress a report documenting the sales;
and
(3) return unobligated balances of funds appropriated for
the Alaska Power Administration to the Treasury of the United
States.

(g) REPEALS.—(1) The Act of July 31, 1950 (64 Stat. 382)
is repealed effective on the date that Eklutna is conveyed to the
Eklutna Purchasers.

(2) Section 204 of the Flood Control Act of 1962 (76 Stat.
1193) is repealed effective on the date that Snettisham is conveyed
to the Snettisham Purchaser.

(3) The Act of August 9, 1955, concerning water resources
investigation in Alaska (69 Stat. 618), is repealed.

(h) DOE ORGANIZATION ACT.—As of the later of the two dates
determined in paragraphs (1) and (2) of subsection (g), section
302(a) of the Department of Energy Organization Act (42 U.S.C.
7152(a)) is amended—
(1) in paragraph (1)—
(A) by striking subparagraph (C); and
(B) by redesignating subparagraphs (D), (E), and (F)
as subparagraphs (C), (D), and (E) respectively; and
(2) in paragraph (2) by striking out “and the Alaska Power
Administration” and by inserting “and” after “Southwestern
Power Administration”.

(i) DISPOSAL.—The sales of Eklutna and Snettisham under this
title are not considered disposal of Federal surplus property under
the Federal Property and Administrative Services Act of 1949 (40
U.S.C. 484) or the Act of October 3, 1944, popularly referred to
as the “Surplus Property Act of 1944” (50 U.S.C. App. 1622).
SEC. 105. OTHER FEDERAL HYDROELECTRIC PROJECTS.

The provisions of this title regarding the sale of the Alaska Power Administration's hydroelectric projects under section 103 and the exemption of these projects from Part I of the Federal Power Act under section 104 do not apply to other Federal hydroelectric projects.

TITLE II—EXPORTS OF ALASKAN NORTH SLOPE OIL

SEC. 201. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s) (1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).


"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within
30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

“(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

“(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.”.

SEC. 202. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review three years after the date of enactment of this Act and, within twelve months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

SEC. 203. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary of Transportation (“Secretary”) may make grants to the Multnomah County Tax Supervising and Conservation Commission of Multnomah County, Oregon (“Commission”) in accordance with this section, not to exceed the amount determined in subsection (b)(2).

(b) FINDING AND DETERMINATION.—Before making any grant under this section not earlier than one year after exports of Alaskan North Slope oil commence pursuant to section 201, the Secretary shall—

(1) find on the basis of substantial evidence that such exports are directly or indirectly a substantial contributing factor to the need to levy port district ad valorem taxes under Oregon Revised Statutes section 294.381; and

(2) determine the amount of such levy attributable to the export of Alaskan North Slope oil.

(c) AGREEMENT.—Before receiving a grant under this section for the relief of port district ad valorem taxes which would otherwise be levied under Oregon Revised Statutes section 294.381, the Commission shall enter into an agreement with the Secretary to—

(1) establish a segregated account for the receipt of grant funds;

(2) deposit and keep grant funds in that account;

(3) use the funds solely for the purpose of payments in accordance with this subsection, as determined pursuant to Oregon Revised Statutes sections 294.305-565, and computed in accordance with generally accepted accounting principles; and
(4) terminate such account at the conclusion of payments subject to this subsection and to transfer any amounts, including interest, remaining in such account to the Port of Portland for use in transportation improvements to enhance freight mobility.

(d) REPORT.—Within 60 days of issuing a grant under this section, the Secretary shall submit any finding and determination made under subsection (b), including supporting information, to the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out subsection (a), $15,000,000 for fiscal year 1997, to remain available until October 1, 2003.

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. SHORT TITLE.

This title may be referred to as the “Outer Continental Shelf Deep Water Royalty Relief Act”.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended—

(1) by designating the provisions of paragraph (3) as subparagraph (A) of such paragraph (3); and

(2) by inserting after subparagraph (A), as so designated, the following:

``(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, the Secretary may, in order to—

``(i) promote development or increased production on producing or non-producing leases; or

``(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee’s consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

“(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

“(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs...
associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable, except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

“(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

“(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

“(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

“(iv) For purposes of this subparagraph, the term ‘new production’ is—

“(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

“(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

“(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00
per barrel, any production of oil will be subject to royalties at
the lease stipulated royalty rate. Any production subject to this
clause shall be counted toward the production volume determined
pursuant to clause (ii) or (iii). Estimated royalty payments will
be made if such average of the closing prices for the previous
year exceeds $28.00. After the end of the calendar year, when
the new average price can be calculated, lessees will pay any
royalties due, with interest but without penalty, or can apply for
a refund, with interest, of any overpayment.

“(vi) During the production of volumes determined pursuant
to clause (ii) or (iii) of this subparagraph, in any year during
which the arithmetic average of the closing prices on the New
York Mercantile Exchange for natural gas exceeds $3.50 per million
British thermal units, any production of natural gas will be subject
to royalties at the lease stipulated royalty rate. Any production
subject to this clause shall be counted toward the production volume
determined pursuant to clauses (ii) or (iii). Estimated royalty pay-
ments will be made if such average of the closing prices for the
previous year exceeds $3.50. After the end of the calendar year,
when the new average price can be calculated, lessees will pay
any royalties due, with interest but without penalty, or can apply
for a refund, with interest, of any overpayment.

“(vii) The prices referred to in clauses (v) and (vi) of this
subparagraph shall be changed during any calendar year after
1994 by the percentage, if any, by which the implicit price deflator
for the gross domestic product changed during the preceding cal-
endar year.”.

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as
amended (43 U.S.C. 1337(a)(1)) is amended—

(1) by redesignating subparagraph (H) as subparagraph
(I);
(2) by striking “or” at the end of subparagraph (G); and
(3) by inserting after subparagraph (G) the following new
subparagraph:

“(H) cash bonus bid with royalty at no less than 12 and
\[\frac{1}{2}\] per centum fixed by the Secretary in amount or value
of production saved, removed, or sold, and with suspension
of royalties for a period, volume, or value of production deter-
mined by the Secretary, which suspensions may vary based
on the price of production from the lease; or”.

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater
in the Western and Central Planning Area of the Gulf of Mexico,
including that portion of the Eastern Planning Area of the Gulf
of Mexico encompassing whole lease blocks lying west of 87 degrees,
30 minutes West longitude, any lease sale within five years of
the date of enactment of this title, shall use the bidding system
authorized in section 8(a)(1)(H) of the Outer Continental Shelf
Lands Act, as amended by this title, except that the suspension
of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water
depths of 200 to 400 meters;
(2) 52.5 million barrels of oil equivalent for leases in 400
to 800 meters of water; and
(3) 87.5 million barrels of oil equivalent for leases in water
depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations
as are necessary to implement the provisions of this title within
180 days after the enactment of this Act.
SEC. 306. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

TITLE IV—MISCELLANEOUS

SEC. 401. EMERGENCY RESPONSE PLAN.

(a) IN GENERAL.—Within 15 months after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a plan to Congress on the most cost-effective means of implementing an international private-sector tug-of-opportunity system, including a coordinated system of communication, using existing towing vessels to provide timely emergency response to a vessel in distress transiting the waters within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca.

(b) COORDINATION.—In carrying out this section, the Commandant, in consultation with the Secretaries of State and Transportation, shall coordinate with the Canadian Government and the United States and Canadian maritime industries.

(c) ACCESS TO INFORMATION.—If necessary, the Commandant shall allow United States nonprofit maritime organizations access to United States Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response.

(d) TOWING VESSEL DEFINED.—For the purpose of this section, the term “towing vessel” has the meaning given that term by section 2101(40) of title 46, United States Code.

Approved November 28, 1995.

LEGISLATIVE HISTORY—S. 395 (H.R. 70) (H.R. 1122):

HOUSE REPORTS: Nos. 104–139, Pt. 1, accompanying H.R. 70 and 104–187, Pt. 1, accompanying H.R. 1122 (both from Comm. on Resources), and 104–312 (Comm. of Conference).

SENATE REPORTS: No. 104–78 (Comm. on Energy and Natural Resources).


May 15, 16, considered and passed Senate.
July 24, H.R. 70 considered and passed House.
July 25, S. 395 considered and passed House, amended.
Nov. 8, House agreed to conference report.
Nov. 14, Senate agreed to conference report.
FOREIGN AFFAIRS ACTS

PUBLIC LAW 104-45—NOV. 8, 1995

Public Law 104-45
104th Congress

An Act

To provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jerusalem Embassy Act of 1995”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Each sovereign nation, under international law and custom, may designate its own capital.

(2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.

(3) The city of Jerusalem is the seat of Israel’s President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.

(4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.

(5) From 1948-1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.

(6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.

(7) Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.

(8) This year marks the 28th consecutive year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected.

(9) In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress “strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected”.

(10) In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city.

(11) The September 13, 1993, Declaration of Principles on Interim Self-Government Arrangements lays out a timetable for the resolution of “final status” issues, including Jerusalem.

(12) The Agreement on the Gaza Strip and the Jericho Area was signed May 4, 1994, beginning the five-year transitional period laid out in the Declaration of Principles.

(13) In March of 1995, 93 members of the United States Senate signed a letter to Secretary of State Warren Christopher encouraging “planning to begin now” for relocation of the United States Embassy to the city of Jerusalem.
(14) In June of 1993, 257 members of the United States House of Representatives signed a letter to the Secretary of State Warren Christopher stating that the relocation of the United States Embassy to Jerusalem “should take place no later than . . . 1999”.

(15) The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and strategically ally, the State of Israel.

(16) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.

(17) In 1996, the State of Israel will celebrate the 3,000th anniversary of the Jewish presence in Jerusalem since King David’s entry.

SEC. 3. TIMETABLE.

(a) Statement of the Policy of the United States.—

(1) Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected;

(2) Jerusalem should be recognized as the capital of the State of Israel; and

(3) the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.

(b) Opening Determination.—Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for “Acquisition and Maintenance of Buildings Abroad” may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

SEC. 4. FISCAL YEARS 1996 AND 1997 FUNDING.

(a) Fiscal Year 1996.—Of the funds authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” for the Department of State in fiscal year 1996, not less than $25,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(b) Fiscal Year 1997.—Of the funds authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” for the Department of State in fiscal year 1997, not less than $75,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

SEC. 5. REPORT ON IMPLEMENTATION.

Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate detailing the Department of State’s plan to implement this Act. Such report shall include—

(1) estimated dates of completion for each phase of the establishment of the United States Embassy, including site identification, land acquisition, architectural, engineering and construction surveys, site preparation, and construction; and

(2) an estimate of the funding necessary to implement this Act, including all costs associated with establishing the United States Embassy in Israel in the capital of Jerusalem.

SEC. 6. SEMIANNUAL REPORTS.

At the time of the submission of the President’s fiscal year 1997 budget request, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made toward opening the United States Embassy in Jerusalem.
SEC. 7. PRESIDENTIAL WAIVER.

(a) WAIVER AUTHORITY.—(1) Beginning on October 1, 1998, the President may suspend the limitation set forth in section 3(b) for a period of six months if he determines and reports to Congress in advance that such suspension is necessary to protect the national security interests of the United States.

(2) The President may suspend such limitation for an additional six month period at the end of any period during which the suspension is in effect under this subsection if the President determines and reports to Congress in advance of the additional suspension that the additional suspension is necessary to protect the national security interests of the United States.

(3) A report under paragraph (1) or (2) shall include—

(A) a statement of the interests affected by the limitation that the President seeks to suspend; and

(B) a discussion of the manner in which the limitation affects the interests.

(b) APPLICABILITY OF WAIVER TO AVAILABILITY OF FUNDS.—If the President exercises the authority set forth in subsection (a) in a fiscal year, the limitation set forth in section 3(b) shall apply to funds appropriated in the following fiscal year for the purpose set forth in such section 3(b) except to the extent that the limitation is suspended in such following fiscal year by reason of the exercise of the authority in subsection (a).

SEC. 8. DEFINITION.

As used in this Act, the term “United States Embassy” means the offices of the United States diplomatic mission and the residence of the United States chief of mission.
GENERAL GOVERNMENT ACTS

PUBLIC LAW 104–66—DEC. 21, 1995

Public Law 104–66
104th Congress

An Act

To provide for the modification or elimination of Federal reporting requirements. Dec. 21, 1995
[5. 790]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Reports Elimination and Sunset Act of 1995”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture
Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

Subtitle B—Department of Commerce
Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

Subtitle C—Department of Defense
Sec. 1031. Reports eliminated.

Subtitle D—Department of Education
Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

Subtitle E—Department of Energy
Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

Subtitle F—Department of Health and Human Services
Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

Subtitle G—Department of Housing and Urban Development
Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

Subtitle H—Department of the Interior
Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

Subtitle I—Department of Justice
Sec. 1091. Reports eliminated.

Subtitle J—Department of Labor
Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

Subtitle K—Department of State
Sec. 1111. Reports eliminated.
Sec. 1112. International narcotics control.

Subtitle L—Department of Transportation
Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

Subtitle M—Department of the Treasury
Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.
Subtitle N—Department of Veterans Affairs
Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES
Subtitle A—Action
Sec. 2011. Reports eliminated.
Subtitle B—Environmental Protection Agency
Subtitle C—Equal Employment Opportunity Commission
Sec. 2031. Reports modified.
Subtitle D—Federal Aviation Administration
Sec. 2041. Reports eliminated.
Subtitle E—Federal Communications Commission
Sec. 2051. Reports eliminated.
Subtitle F—Federal Deposit Insurance Corporation
Sec. 2061. Reports eliminated.
Subtitle G—Federal Emergency Management Agency
Sec. 2071. Reports eliminated.
Subtitle H—Federal Retirement Thrift Investment Board
Sec. 2081. Reports eliminated.
Subtitle I—General Services Administration
Sec. 2091. Reports eliminated.
Subtitle J—Interstate Commerce Commission
Sec. 2101. Reports eliminated.
Subtitle K—Legal Services Corporation
Sec. 2111. Reports modified.
Subtitle L—National Aeronautics and Space Administration
Sec. 2121. Reports eliminated.
Subtitle M—National Council on Disability
Sec. 2131. Reports eliminated.
Subtitle N—National Science Foundation
Sec. 2141. Reports eliminated.
Subtitle O—National Transportation Safety Board
Sec. 2151. Reports modified.
Subtitle P—Neighborhood Reinvestment Corporation
Sec. 2161. Reports eliminated.
Subtitle Q—Nuclear Regulatory Commission
Sec. 2171. Reports modified.
Subtitle R—Office of Personnel Management
Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.
Subtitle S—Office of Thrift Supervision
Sec. 2191. Reports modified.
Subtitle T—Panama Canal Commission
Sec. 2201. Reports eliminated.
Subtitle U—Postal Service
Sec. 2211. Reports modified.
Subtitle V—Railroad Retirement Board
Sec. 2221. Reports modified.
Subtitle W—Thrift Depositor Protection Oversight Board
Sec. 2231. Reports modified.
Sec. 2241. Reports eliminated.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.
Sec. 3003. Termination of reporting requirements.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(b) Report on Return on Assets.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—
(1) in subsection (a), by striking “(a) IMPROVING” and all that follows through “FORECASTS.—”;
(2) by striking subsection (b).
(c) Report on Farm Value of Agricultural Products.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.
(d) Report on Origin of Exports of Peanuts.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.
(e) Report on Reporting of Importing Fees.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—
(1) by striking subsection (b); and
(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.
(f) Report on Agricultural Information Exchange with Ireland.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—
(1) in subsection (a), by striking “(a)”; and
(2) by striking subsection (b).
(g) Report on Potato Inspection.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.
(h) Report on Transportation of Fertilizer and Agricultural Chemicals.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.
(j) Report on Project Areas with High Food Stamp Payment Error Rates.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).
(l) Report on WIC Expenditures and Participation Levels.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—
(1) by striking paragraph (9); and
(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.
(m) Report on Demonstrations Involving Innovative Housing Units.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.


(o) Report on Income and Expenditures of Certain Land Acquisitions.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(p) Report on Special Area Designations.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(q) Report on Evaluation of Special Area Designations.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.


(1) in subsection (a), by striking “(a) Repository.—”; and
(2) by striking subsection (b).

(s) Report on Plant Genome Mapping.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and
(2) by redesignating subsection (h) as subsection (g).

(t) Report on Appraisal of Proposed Budget for Food and Agricultural Sciences.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and
(2) by redesigning paragraph (3) as paragraph (2).

(u) Report on Economic Impact of Animal Damage on Aquaculture Industry.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking “(1)”; and
(2) by striking paragraph (2).

(v) Report on Awards Made by the National Research Initiative and Special Grants.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and
(2) by redesigning subsection (m) as subsection (l).

(w) Report on Payments Made Under Research Facilities Act.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(x) Report on Financial Audit Reviews of States With High Food Stamp Participation.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking “, and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days”.

(y) Report on Rural Telephone Bank.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (l) and redesignating subparagraph (j) as subparagraph (l).

(z) Conforming Amendments.—The table of contents appearing in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—
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(1) by striking the items relating to sections 1558, 1559, and 1560 and inserting the following:

“Sec. 1558. Sense of Congress concerning rebalancing proposal of the European community.

“Sec. 1559. Sense of the Senate regarding multilateral trade negotiations.”;

(2) by striking the item relating to section 2513; and

(C) by striking the items relating to sections 2517, 2518, and 2519 and inserting the following:

“Sec. 2517. Establishing quality as a goal for Commodity Credit Corporation programs.

“Sec. 2518. Severability.”.

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”;

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

“(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).”.

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking “On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon” and inserting the following: “As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on”.

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking “ANNUAL REPORT” and inserting “REPORT”; and

(2) by striking “Not later than June 30 of each year” and inserting “At such times as the Joint Council determines appropriate”.

(e) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(f) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting “may provide” before “a written report”.

(g) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

“(b) An analysis and determination shall be made, and a report on the Secretary’s findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:


“(2) Each 10-year period thereafter.”.
SEC. 1021. REPORTS ELIMINATED.

(a) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(b) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(c) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(d) Report on United States-Canada Free-Trade Agreement.—Section 409(a)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

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(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—
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(A) the issues being considered by the working group; and
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(B) as appropriate, the objectives and strategy of the United States in the negotiations.”.
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(g) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) Report on Federal Trade Promotion Strategic Plan.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) is amended to read as follows:

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(f) Report to the Congress.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—
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(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and
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(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.”.
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(1) in subparagraph (E) by striking out “and” after the semicolon;
(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and
(3) by adding at the end thereof the following new subparagraphs:

“(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

“(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

“(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

“(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.”.

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.


(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with “and shall,” through the end thereof and inserting a period.

(b) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking “such report or for any other” and inserting “any”.

(d) Report on the Summary of Local Evaluations of Community Education Employment Centers.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—
   (1) in the section heading, by striking “AND REPORT”;
   (2) in subsection (a), by striking “(a) LOCAL EVALUA-
       TION.—”;
   (3) by striking subsection (b).

(e) Report on the Administration of the Vocational Education Act of 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) Report by the Interdepartmental Task Force on Coordinating Vocational Education and Related Programs.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) Report on the Evaluation of the Gateway Grants Program.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking “and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate”.

(h) Report on the Bilingual Vocational Training Program.—Paragraph (3) of section 411(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) Report on Annual Upward Mobility Program Activity.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking “and annually submit to the appropriate committees of Congress a report based on such evaluations,”.

SEC. 1042. REPORTS MODIFIED.

   (1) in the section heading, by striking “REPORT ON” and inserting “INFORMATION REGARDING”;
   (2) by striking the matter preceding paragraph (1) and inserting “The Secretary shall collect data for program management and accountability purposes regarding—”;

(b) Report to Give Notice to Congress.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—
   (1) in the first sentence by striking “the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice” and inserting “a deadline included in the calendar described in subsection (a) is not met”;
   (2) by striking the second sentence.


(d) Report to the Congress Regarding Rehabilitation Training Programs.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking “simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration” and inserting “by September 30 of each fiscal year”.

(e) Annual Audit of Student Loan Insurance Fund.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:
   “(b) Financial Operations Responsibilities.—The Secretary shall, with respect to the financial operations arising by reason
of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.”.

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) Reports on Performance and Disposal of Alternative Fueled Heavy Duty Vehicles.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed, and paragraph (5) of that section is redesignated as paragraph (3).

(b) Report on Wind Energy Systems.—Section 9(a) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1) by adding “and” after the semicolon; and

(3) in paragraph (2) by striking “; and” and inserting a period.

(c) Report on Comprehensive Program Management Plan for Ocean Thermal Energy Conversion.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) Reports on Subseabed Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) Report on Fuel Use Act.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) Report on Test Program of Storage of Refined Petroleum Products Within the Strategic Petroleum Reserve.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) Report on Naval Petroleum and Oil Shale Reserves Production.—Section 7434 of title 10, United States Code, is repealed.


(i) Report on Written Agreements Regarding Nuclear Waste Repository Sites.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: “If such written agreement is not completed within such period, the Secretary shall report to the Congress in writing within 30 days on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.”.

(j) Quarterly Report on Strategic Petroleum Reserves.—Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245) is amended—

(1) by striking subsection (b); and

(2) by striking “(a)”. 

(l) **REPORT ON CURRENT STATUS OF COMPREHENSIVE MANAGEMENT FOR NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) **REPORT ON ACTIVITIES OF THE GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT.**—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) **REPORT ON ACTIVITIES UNDER THE MAGNETIC FUSION ENERGY ENGINEERING ACT OF 1980.**—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.


SEC. 1052. **REPORTS MODIFIED.**

(a) **REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.**—

1. **Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d))** is amended—

   A. in the language preceding paragraph (1), by striking "Not later than 2 years after the date of the enactment of this Act and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

   B. in paragraph (4), by striking "and" at the end;

   C. in paragraph (5), by striking the period at the end and inserting "; and"; and

   D. by adding at the end the following new paragraph: "(6) the information required under section 133(c)."

2. **Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c))** is amended—

   A. by striking, "the date of the enactment of this Act" and inserting "October 24, 1995";

   B. by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) **REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.**—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

1. by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

2. by striking "promptly".

(c) **REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.**—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter," and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,"

(d) **REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.**—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

1. in paragraph (1)—

   A. in subparagraph (A), by striking "and" after the semicolon;
(B) by redesignating subparagraph (B) as subparagraph (C); and
(C) by inserting after subparagraph (A) the following new subparagraph:
“(B) the information required under section 543(b)(2); and”;
(2) in paragraph (2), by striking “and” after the semicolon;
(3) in paragraph (3), by striking the period at the end and inserting “; and”;
and
(4) by adding at the end the following new paragraph:
“(4) the information required under section 161(d) of the Energy Policy Act of 1992.”.
(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking “, and annually thereafter”.
(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking “report annually” and inserting “, as part of the report required under section 657 of the Department of Energy Organization Act, report”.
(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—
(1) in subsection (a), by striking “The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army,” and inserting “The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,”;
and
(2) in subsection (b), by striking “the Secretary” and inserting “the Secretary of the Interior, or the Secretary of the Army.”.
(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof “The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.”.
(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:
“(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.”.
(1) in subparagraph (D), by striking “and” at the end;
(2) by redesignating subparagraph (E) as subparagraph (F); and
(3) by inserting after subparagraph (D) the following new subparagraph:
“(E) include the report of the Secretary of Energy required by section 203(d); and”.

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(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

“(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.”.

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(e) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

“BIANNUAL REPORT

“Sec. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.”.

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking “September 30, 1993, and annually thereafter” and inserting “December 30, 1993, and each December 30 thereafter”.

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking “each fiscal year” and inserting “fiscal year 1995, and each second fiscal year thereafter”.

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out “annually” and inserting in lieu thereof “biannually”.

42 USC 300a–6a.
Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “the Secretary of Housing and Urban Development and”; and

(ii) by striking “each”, the first place it appears; and

(B) in the second sentence, by striking “involved”;

and

(2) in subsection (b)—

(A) by striking “The Secretary of Housing and Urban Development and the” and inserting “The”; and

(B) by striking “each”.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking “ANNUAL”;

and

(2) by striking “The Secretary shall annually” and inserting “The Secretary shall no later than December 31, 1995,.”

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out “(but not less frequently than every three years),”.

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains
States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g-1(d)) is repealed.

(d) Report on Reclamation Reform Act Compliance.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) Report on Geological Surveys Conducted Outside the Domain of the United States.—Section 2 of Public Law 87-626 (43 U.S.C. 31(c)) is repealed.

(f) Report on Recreation Use Fees.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(h)) is repealed.

SEC. 1082. Reports Modified.

(a) Report on Levels of the Ogallala Aquifer.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

1. in section 306, by striking “annually” and inserting “biennially”;
2. in section 308, by striking “intervals of one year” and inserting “intervals of 2 years”.

(b) Report on Effects of Outer Continental Shelf Leasing Activities on Human, Marine, and Coastal Environments.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking “each fiscal year” and inserting “every 3 fiscal years”.

Subtitle I—Department of Justice

SEC. 1091. Reports Eliminated.


(b) Report on Equal Access to Justice.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) Report on Federal Offender Characteristics.—Section 3624(f)(6) of title 18, United States Code, is repealed.


(e) Mineral Leasing Act.—Section 8B of the Mineral Leasing Act (30 U.S.C. 208-2) is repealed.

(f) Small Business Act.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) Energy Policy and Conservation Act.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking “, at least once every 6 months, a report” and inserting “, at such intervals as are appropriate based on significant developments and issues, reports”.

(h) Report on Forfeiture Fund.—Section 524(c) of title 28, United States Code, is amended—

1. by striking out paragraph (7); and
2. by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. Reports Eliminated.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.
SEC. 1102. REPORTS MODIFIED.


(1) by striking “annually” and inserting “biennially”; and

(2) by striking “preceding year” and inserting “preceding two years”.

(b) Annual Report of the Office of Workers’ Compensation.—

(1) Report on the Administration of the Longshore and Harbor Workers’ Compensation Act.—Section 42 of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 942) is amended—

(A) by striking “beginning of each” and all that follows through “Amendments of 1984” and inserting “end of each fiscal year”; and

(B) by adding the following new sentence at the end:

“Such report shall include the annual report required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and shall be identified as the Annual Report of the Office of Workers’ Compensation Programs.”.

(2) Report on the Administration of the Black Lung Benefits Program.—Section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking “Within” and all that follows through “Congress the” and inserting “At the end of each fiscal year, the”; and

(B) by adding the following new sentence at the end:

“Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers’ Compensation Act (33 U.S.C. 942).”.

(3) Report on the Administration of the Federal Employees’ Compensation Act.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 8152. Annual report

“The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers’ Compensation Act (33 U.S.C. 942).”.

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

“8152. Annual report.”.

(c) Annual Report on the Department of Labor.—Section 9 of an Act entitled “An Act to create a Department of Labor”, approved March 4, 1913 (29 U.S.C. 560) is amended by striking “make a report” and all that follows through “the department” and inserting “prepare and submit to Congress the financial statements of the Department that have been audited”.

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

(a) Report on Audit of Use of Funds for United Nations High Commissioner for Refugees.—Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).
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(b) REPORT ON MATTERS RELATING TO FOREIGN RELATIONS AND SCIENCE AND TECHNOLOGY.—Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656c(b)) is repealed.

SEC. 1112. INTERNATIONAL NARCOTICS CONTROL.

(a) Section 489A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291i) is repealed.

(b) Section 490A of that Act (22 U.S.C. 2291k) is repealed.

(c) Section 489 of that Act (22 U.S.C. 2291h) is amended:

(1) in the section heading by striking “FOR FISCAL YEAR 1995”; and

(2) by striking subsection (c).

(d) Section 490 of that Act (22 U.S.C. 2291j) is amended:

(1) in the section heading by striking “FOR FISCAL YEAR 1995”; and

(2) by striking subsection (i).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking “biennially” and inserting “triennially”.

(d) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(e) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(f) REPORT ON UNIFORM RELocation ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(g) REPORT ON FEDERAL RAILROAD SAFETY.—(1) Section 20116 of title 49, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20116.

(h) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(i) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(j) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(k) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(l) REPORT ON PIPELINE SAFETY.—Section 60124(a) of title 49, United States Code, is amended in the first sentence by striking “of each year” and inserting “of each odd-numbered year”.

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropria-
tions under House Report 101-892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking “September 30 and”.

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking “month” and inserting “calendar quarter”.

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting “; and”, and

(3) by adding after paragraph (6) the following new paragraph:

“(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.”.

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out “month” each place it appears and inserting in lieu thereof “calendar quarter”.

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of title 38, United States Code, is amended—

(1) by striking out subsection (l); and
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(c) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (D) as subparagraph (C);

(B) in subparagraph (A), by striking out “subparagraph (D)” and inserting in lieu thereof “subparagraph (C)”; and

(C) in subparagraph (B), by striking out “subparagraph (D)” and inserting in lieu thereof “subparagraph (C)”.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking “(2)” and inserting “(b)”;

and

(B) in paragraph (1)—

(i) by striking “(1)(A)” and inserting “(1)”;

and

(ii) in subparagraph (B)—

(I) by striking “(B)” and inserting “(2)”;

and

(II) by striking “subparagraph (A)” and inserting “paragraph (1)”.

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS MODIFIED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)(8)) is amended by striking “Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation” and inserting “By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure”.

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)) is amended by striking “The Administrator shall report annually to the Committee on Public Works and Transportation” and inserting “By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure”.

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (d); and
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(2) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking “(a) MONITORING METHODS.—” and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (e) through (i) as subsections (c) through (g), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesigning subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—
(1) in the matter preceding clause (i), by striking “including” and inserting “including information, presented in the aggregate, relating to”;
(2) in clause (i), by striking “the identity of each person or entity” and inserting “the number of persons and entities”;
(3) in clause (ii), by striking “such person or entity” and inserting “such persons and entities”; and
(4) in clause (iii)—
   (A) by striking “fee” and inserting “fees”; and
   (B) by striking “such person or entity” and inserting “such persons and entities”.

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

The provision that was section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—
(1) by striking out “GAO”; and
(2) by striking out “the Comptroller General” and inserting in lieu thereof “the Department of Transportation Inspector General”.

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:
“(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the ‘Corporation’) has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation’s compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives. Such a report shall be included in the Comptroller General’s audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.”
Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.
Section 611(i) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(i)) is amended—
(1) by striking paragraph (3); and
(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.
Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:
“(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.”.

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.
(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—
(1) by striking out paragraph (1);
(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and
(3) in paragraph (2) (as so redesignated) by striking out “paragraph (2)” and inserting in lieu thereof “paragraph (3)”.
(b) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled “An Act authorizing the transfer of certain real property for wildlife, or other purposes.”, approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out “and shall be included in the annual budget transmitted to the Congress”.

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.
Section 10327(k) of title 49, United States Code, is amended to read as follows:
“(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.”.
Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out “The” and inserting in lieu thereof “Upon request, the”.

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:
“(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.”.

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—
(1) by striking paragraph (9); and
(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.
(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 1117 of title 49, United States Code, is amended—
(1) in paragraph (2) by adding “and” after the semicolon;
(2) in paragraph (3) by striking out “; and” and inserting in lieu thereof a period; and
(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.
Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking “each quarter a report listing for that period” and inserting “an annual report listing for the previous fiscal year”.

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE.—(1) Section 3135 of title 5, United States Code, is repealed.
(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.
(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d) of title 5, United States Code, is repealed.
(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.
(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.
(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.
(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—
(1) in subsection (a) by striking out “(a)”; and
(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

Section 1304(e)(6) of title 5, United States Code, is amended by striking out “at least once every three years”.

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—
(1) by striking out “annually”;
(2) by striking out “audit, settlement,” and inserting in lieu thereof “settlement”; and
(3) by striking out “, and the first audit” and all that follows through “enacted”.

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.
(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.
Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the Mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3005 note; Public Law 98-186; 97 Stat. 1318) is amended to read as follows:

“(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”.

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out “the Board shall transmit such report to the Congress” and inserting in lieu thereof “the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”.

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

(a) COMBINATION OF REPORTS.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1) is amended by striking “On or before July 1, 1985, and each calendar year thereafter” and inserting “As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))”.

(b) MODIFICATION OF DATES FOR PROJECTION AND REPORT.—Section 22 of the Railroad Retirement Act of 1974 (45 U.S.C. 231u) is amended—

(1) by striking “February 1” and inserting “May 1”; and

(2) by striking “April 1” and inserting “July 1”.

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out “the end of each calendar quarter” and inserting in lieu thereof “June 30 and December 31 of each calendar year”.

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.
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(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—
(1) striking out subsection (d); and
(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.
(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(d) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(e) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j-1) is repealed.

(f) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(g) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled 'An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense', approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(h) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.
Section 552b(j) of title 5, United States Code, is amended to read as follows:
"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:
"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.
"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.
"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.
"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section."

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.
(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—
(A) the Inspector General Act of 1978 (5 U.S.C. App.); or
(B) the Chief Financial Officers Act of 1990 (Public Law 101–576), including provisions enacted by the amendments made by that Act.
President.

(b) Identification of Wasteful Reports.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) List of Reports.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103-7).

(d) Specific Reports Exempted.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);
(2) section 306 of that Act (22 U.S.C. 2226);
(3) section 489 of that Act (22 U.S.C. 2291n);
(4) section 502B of that Act (22 U.S.C. 2304);
(5) section 634 of that Act (22 U.S.C. 2394);
(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);
(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);
(8) section 28 of that Act (22 U.S.C. 2768);
(9) section 30 of that Act (22 U.S.C. 2776);
(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);
(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);
(12) section 508 of that Act (22 U.S.C. 5858);
(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);
(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);
(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2143);
(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92-412; 86 Stat. 648);
(17) section 4 of Public Law 93-121 (87 Stat. 448);
(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);
(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);
(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 72);
(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);
(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);
(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);
(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);
(25) section 1504 of Public Law 103-160 (10 U.S.C. 402 note);
(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa-7);
(27) section 23 of the Act of August 1, 1956 (Chapter 841; 22 U.S.C. 2694(2));
(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));
(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);
(30) section 50 of Public Law 87-297 (22 U.S.C. 2590);
(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

Approved December 21, 1995.

LEGISLATIVE HISTORY—S. 790:
HOUSE REPORTS: No. 104–327 (Comm. on Government Reform and Oversight).
  July 17, considered and passed Senate.
  Nov. 14, considered and passed House, amended.
  Dec. 6, Senate concurred in House amendment with an amendment.
  Dec. 7, House concurred in Senate amendment.
An Act

To authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes.

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

SECTION 1. COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the “Director”), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).

Approved November 1, 1995.

LEGISLATIVE HISTORY—S. 268:
HOUSE REPORTS: No. 104–189 (Comm. on Resources).
SENATE REPORTS: No. 104–51 (Comm. on Environment and Public Works).
Apr. 26, considered and passed Senate.
Oct. 17, considered and passed House.
LEGISLATIVE ACTS

PUBLIC LAW 104-1—JAN. 23, 1995

Public Law 104-1
104th Congress

An Act

To make certain laws applicable to the legislative branch of the Federal Government.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Congressional Accountability Act of 1995”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.
Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.
Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.
Sec. 206. Rights and protections relating to veterans’ employment and reemployment.
Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY


TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
Sec. 302. Officers, staff, and other personnel.
Sec. 303. Procedural rules.
Sec. 304. Substantive regulations.
Sec. 305. Expenses.
THE V—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
Sec. 402. Counseling.
Sec. 403. Mediation.
Sec. 404. Election of proceeding.
Sec. 405. Complaint and hearing.
Sec. 406. Appeal to the Board.
Sec. 407. Judicial review of Board decisions and enforcement.
Sec. 408. Civil action.
Sec. 409. Judicial review of regulations.
Sec. 410. Other judicial review prohibited.
Sec. 411. Effect of failure to issue regulations.
Sec. 412. Expedited review of certain appeals.
Sec. 413. Privileges and immunities.
Sec. 414. Settlement of complaints.
Sec. 415. Payments.
Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
Sec. 502. Political affiliation and place of residence.
Sec. 503. Nondiscrimination rules of the House and Senate.
Sec. 504. Technical and conforming amendments.
Sec. 505. Judicial branch coverage study.
Sec. 506. Savings provisions.
Sec. 507. Use of frequent flyer miles.
Sec. 508. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.
Sec. 509. Severability.

TITLE I—GENERAL

SEC. 101. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term “Board” means the Board of Directors of the Office of Compliance.

(2) CHAIR.—The term “Chair” means the Chair of the Board of Directors of the Office of Compliance.

(3) COVERED EMPLOYEE.—The term “covered employee” means any employee of—

(A) the House of Representatives;
(B) the Senate;
(C) the Capitol Guide Service;
(D) the Capitol Police;
(E) the Congressional Budget Office;
(F) the Office of the Architect of the Capitol;
(G) the Office of the Attending Physician;
(H) the Office of Compliance; or
(I) the Office of Technology Assessment.

(4) EMPLOYEE.—The term “employee” includes an applicant for employment and a former employee.


(6) EMPLOYEE OF THE CAPITOL POLICE.—The term “employee of the Capitol Police” includes any member or officer of the Capitol Police.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the Clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).
(8) Employee of the Senate.—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) Employing Office.—The term "employing office" means—
(A) the personal office of a Member of the House of Representatives or of a Senator;
(B) a committee of the House of Representatives or the Senate or a joint committee;
(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;
(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) Executive Director.—The term "Executive Director" means the Executive Director of the Office of Compliance.

(11) General Counsel.—The term "General Counsel" means the General Counsel of the Office of Compliance.

(12) Office.—The term "Office" means the Office of Compliance.

SEC. 102. APPLICATION OF LAWS.

(a) Laws Made Applicable.—The following laws shall apply, as prescribed by this Act, to the legislative branch of the Federal Government:
(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).
(7) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.
(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).
(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) Laws Which May Be Made Applicable.—
(1) In general.—The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.
(2) Board report.—Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1)
are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) **REPORTS OF CONGRESSIONAL COMMITTEES.**—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

**TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS**

**PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RE-TRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION**


(a) **DISCRIMINATORY PRACTICES PROHIBITED.**—All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or


(b) **REMEDY.**—

(1) **CIVIL RIGHTS.**—The remedy for a violation of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and
(B) such compensatory damages as would be appropriate if awarded under section 1777 of the Revised Statutes (42 U.S.C. 1981, or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(1), 1981a(b)(2), and 1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for a violation of subsection (a)(2) shall be—
(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and
(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)). In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) DISABILITIES DISCRIMINATION.—The remedy for a violation of subsection (a)(3) shall be—
(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by—
(A) striking “legislative and”;
(B) striking “branches” and inserting “branch”; and
(C) inserting “Government Printing Office, the General Accounting Office, and the” after “and in the”.

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—
(A) striking “legislative and”;
(B) striking “branches” and inserting “branch”; and
(C) inserting “Government Printing Office, the General Accounting Office, and the” after “and in the”.

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—
(A) by striking subsections (a) and (b) of section 509;
(B) in subsection (c), by striking “(c) INSTRUMENTALITIES OF CONGRESS.—” and inserting “The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:”;
(C) by striking the second sentence of paragraph (2);
(D) in paragraph (4), by striking “the instrumentalities of the Congress include” and inserting “the term ‘instrumentality of the Congress’ means”, by striking “the Architect of the Capitol, the Congressional Budget Office”, by inserting “and” before “the Library”, and by striking “the Office of Technology Assessment, and the United States Botanic Garden”;
(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:
(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) shall be available to any
employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress; and

(F) by amending the title of the section to read "INSTRUMENTALITIES OF THE CONGRESS"."

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.


(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) DEFINITION.—For purposes of the application described in paragraph (1)—

(A) the term "employer" as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term "eligible employee" as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—

(A) COVERAGE.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following: "(iv) includes the General Accounting Office and the Library of Congress."

(B) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) is amended by adding at the end the following:

``(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.""

(2) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 6381(1)(A) of title 5, United States Code, is amended by striking "and" after "District of Columbia" and inserting before the semicolon the following: ", and any employee of the General Accounting Office or the Library of Congress":

(d) REGULATIONS.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statu-
tory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—Subsection (c) shall be effective 1 year after transmission to the Congress of the study under section 230.

SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) INTERNS.—For the purposes of this section, the term "covered employee" does not include an intern as defined in regulations under subsection (c).

(3) COMPENSATORY TIME.—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) IRREGULAR WORK SCHEDULES.—The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking "legislative or",

(2) by striking "or" at the end of clause (iv), and

(3) by striking the semicolon at the end of clause (v) and inserting ", or" and by adding after clause (v) the following:

"(vi) the Government Printing Office;".

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.


(a) POLYGRAPH PRACTICES PROHIBITED.—

(1) IN GENERAL.—No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an
employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002 (1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) Definitions.—For purposes of this section, the term “covered employee” shall include employees of the General Accounting Office and the Library of Congress and the term “employing office” shall include the General Accounting Office and the Library of Congress.

(3) Capitol Police.—Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) Regulations To Implement Section.—

(1) In General.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency Regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In General.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) Worker Adjustment and Retraining Notification Rights.—

(1) In General.—No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) Definitions.—For purposes of this section, the term “covered employee” shall include employees of the General Accounting Office and the Library of Congress and the term “employing office” shall include the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a) (1), (2), and (4)).

(c) Regulations To Implement Section.—

(1) In General.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency Regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statu-
tory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—
(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS' EMPLOYMENT AND REEMPLOYMENT.

(a) Employment and Reemployment Rights of Members of the Uniformed Services.—

(1) In general.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;
(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or
(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) Definitions.—For purposes of this section—

(A) the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code,
(B) the term "covered employee" includes employees of the General Accounting Office and the Library of Congress, and
(C) the term "employing office" includes the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code.

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency Regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.
after transmission to the Congress of the study under section 230.

2 USC 1317. SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) IN GENERAL.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a).

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

2 USC 1331. SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term “public entity” means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this title.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity
responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 403 between the charging individual and any entity responsible for correcting the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405 and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 406.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 407.

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible, for correcting the violation of this section uncovered by such inspection; and
(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the One Hundred Fourth Congress.

(4) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), as amended by section 201(c) of this Act, is amended by adding the following new paragraph:

“(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.”.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), and (d) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—Subsection (g) shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) DEFINITIONS.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970—
(A) the term "employer" as used in such Act means an employing office;

(B) the term "employee" as used in such Act means a covered employee;

(C) the term "employing office" includes the General Accounting Office, the Library of Congress, and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

(D) the term "employee" includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) PROCEDURES.—

(1) REQUESTS FOR INSPECTIONS.—Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) CITATIONS, NOTICES, AND NOTIFICATIONS.—For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a); or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) HEARINGS AND REVIEW.—If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(4) VARIANCE PROCEDURES.—An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(5) JUDICIAL REVIEW.—The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or
the order requiring correction becomes final and not subject to further review.

(d) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency Regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Employing Office Responsible for Correction.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) Periodic Inspections; Report to Congress.—

(1) Periodic Inspections.—On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1), shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Technology Assessment, the Library of Congress, and the General Accounting Office to report on compliance with subsection (a).

(2) Report.—On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) Action After Report.—If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

(4) Detailed Personnel.—The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) Initial Period for Study and Corrective Action.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the One Hundred Fourth Congress.

(g) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.
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(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) LABOR-MANAGEMENT RIGHTS.—

(1) IN GENERAL.—The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5, United States Code, shall apply to employing offices and to covered employees and representatives of those employees.

(2) DEFINITION.—For purposes of the application under this section of the sections referred to in paragraph (1), the term “agency” shall be deemed to include an employing office.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, United States Code, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

(c) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The Board may direct that the General Counsel carry out the Board’s investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United...
States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(4) Exercise of Impasses Panel Authority; Requests.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(d) Regulations To Implement Section.—

(1) In General.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency Regulations.—Except as provided in subsection (e), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(e) Specific Regulations Regarding Application to Certain Offices of Congress.—

(1) Regulations Required.—The Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code and of this Act, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress’ constitutional responsibilities.

(2) Offices Referred To.—The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of
the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (e).

PART E—GENERAL

SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITATIONS.

(a) ATTORNEY'S FEES.—If a covered employee, with respect to any claim under this Act, or a qualified person with a disability, with respect to any claim under section 210, is a prevailing party in any proceeding under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

(b) INTEREST.—In any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(d)).
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(c) Civil Penalties and Punitive Damages.—No civil penalty or punitive damages may be awarded with respect to any claim under this Act.

(d) Exclusive Procedure.—

(1) In General.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) Veterans.—A covered employee under section 206 may also utilize any provisions of chapter 43 of title 38, United States Code, that are applicable to that employee.

(e) Scope of Remedy.—Only a covered employee who has undertaken and completed the procedures described in sections 402 and 403 may be granted a remedy under part A of this title.

(f) Construction.—

(1) Definitions and Exemptions.—Except where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions in the laws made applicable by this Act shall apply under this Act.

(2) Size Limitations.—Notwithstanding paragraph (1), provisions in the laws made applicable under this Act (other than the Worker Adjustment and Retraining Notification Act) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this Act.

(3) Executive Branch Enforcement.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

2 USC 1371.

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) In General.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;
(B) the Government Printing Office; and
(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) Applicable Statutes.—The study under this section shall consider the application of the following laws:


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(8) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.
(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).
(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(c) CONTENTS OF STUDY AND RECOMMENDATIONS.—The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) DEADLINE AND DELIVERY OF STUDY.—Not later than December 31, 1996—

(1) the Administrative Conference of the United States shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the Board; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CHAIR.—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 102.

(2) DISQUALIFICATIONS FOR APPOINTMENTS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.
B) Incompatible Office.—No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

(3) Vacancies.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) Term of Office.—

(1) In general.—Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

(2) First Appointments.—Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair, as designated at the time of appointment by the persons specified in subsection (b).

(f) Removal.—

(1) Authority.—Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

(2) Statement of reasons for removal.—In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) Compensation.—

(1) Per diem.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Duties.—The Office shall—
(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under title IV, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and the result of such proceedings, and covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

(j) OPENING OF OFFICE.—The Office shall be open for business, including receipt of requests for counseling under section 402, not later than 1 year after the date of the enactment of this Act.

(k) FINANCIAL DISCLOSURE REPORTS.—Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT AND REMOVAL.—

(A) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) QUALIFICATIONS.—The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 102(a).

(C) DISQUALIFICATIONS.—The disqualifications in section 301(d)(2) shall apply to the appointment of the Executive Director.

(2) COMPENSATION.—The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) TERM.—The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) DUTIES.—The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.
(b) Deputy Executive Directors.—

(1) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 301(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) Term.—The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) Compensation.—The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) Duties.—The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 304(a)(2)(B)(ii), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) General Counsel.—

(1) In general.—The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 301(d)(2) shall apply to the appointment of a General Counsel.

(2) Compensation.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Duties.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

(4) Attorneys in the Office of the General Counsel.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel’s duties.

(5) Term.—The term of office of the General Counsel shall be a single term of 5 years.

(6) Removal.—

(A) Authority.—The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or
(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) STATEMENT OF REASONS FOR REMOVAL.—In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF.—The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 303. PROCEDURAL RULES.

(a) IN GENERAL.—The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURE.—The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before adopting rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—The procedures applicable to the regulations of the Board issued for the implementation of this Act, which shall include regulations the Board is required to issue under title II (including regulations on the appropriate application of exemptions under the laws made applicable in title II) are as prescribed in this section.

(2) RULEMAKING PROCEDURE.—Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b); and

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—
(i) the Senate and employees of the Senate;  
(ii) the House of Representatives and employees  
of the House of Representatives; and  
(iii) all other covered employees and employing  
offices.

(b) ADOPTION BY THE BOARD.—The Board shall adopt the regu-
lations referred to in subsection (a)(1) in accordance with the prin-
ciples and procedures set forth in section 553 of title 5, United  
States Code, and as provided in the following provisions of this  
subsection:

(1) PROPOSAL.—The Board shall publish a general notice  
of proposed rulemaking under section 553(b) of title 5, United  
States Code, but, instead of publication of a general notice  
of proposed rulemaking in the Federal Register, the Board  
shall transmit such notice to the Speaker of the House of  
Representatives and the President pro tempore of the Senate  
for publication in the Congressional Record on the first day  
on which both Houses are in session following such transmittal.  
Such notice shall set forth the recommendations of the Deputy  
Director for the Senate in regard to regulations under sub-
section (a)(2)(B)(i), the recommendations of the Deputy Director  
for the House of Representatives in regard to regulations under  
subsection (a)(2)(B)(ii), and the recommendations of the Execu-
tive Director for regulations under subsection (a)(2)(B)(iii).

(2) COMMENT.—Before adopting regulations, the Board  
shall provide a comment period of at least 30 days after publica-
tion of a general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Board  
shall adopt regulations and shall transmit notice of such action  
together with a copy of such regulations to the Speaker of the  
House of Representatives and the President pro tempore of the Senate  
for publication in the Congressional Record on the first day on which both  
Houses are in session following such transmittal.

(4) RECOMMENDATION AS TO METHOD OF APPROVAL.—The  
Board shall include a recommendation in the general notice  
of proposed rulemaking and in the regulations as to whether  
the regulations should be approved by resolution of the Senate,  
by resolution of the House of Representatives, by concurrent  
resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS.—  

(1) IN GENERAL.—Regulations referred to in paragraph  
(2)(B)(i) of subsection (a) may be approved by the Senate by  
resolution or by the Congress by concurrent resolution or by  
joint resolution. Regulations referred to in paragraph (2)(B)(ii)  
of subsection (a) may be approved by the House of Representa-
tives by resolution or by the Congress by concurrent resolution  
or by joint resolution. Regulations referred to in paragraph  
(2)(B)(iii) may be approved by Congress by concurrent resolution  
or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of  
regulations under subsection (b)(3), the presiding officers of the  
House of Representatives and the Senate shall refer such  
notice, together with a copy of such regulations, to the appro-
priate committee or committees of the House of Representatives  
and of the Senate. The purpose of the referral shall be to  
consider whether such regulations should be approved, and,  
if so, whether such approval should be by resolution of the  
House of Representatives or of the Senate, by concurrent resolu-
tion or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The  
presiding officer of the Senate may refer the notice of issuance of  
regulations, or any resolution of approval of regulations,  
to one committee or jointly to more than one committee. If  
a committee of the Senate acts to report a jointly referred
measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate, or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ___ are hereby approved:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ___ are hereby approved and shall have the force and effect of law:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of regulations under subsection (c), the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) EFFECTIVE DATE.—Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) CONSULTATION.—The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;
(B) the Secretary of Labor;
(C) the Federal Labor Relations Authority; and
(D) the Director of the Office of Personnel Management;

and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence,
but for a period not exceeding 12 months following the date of
the enactment of this Act—
(1) one-half of the expenses of the Office shall be paid
from funds appropriated for allowances and expenses of the
House of Representatives, and
(2) one-half of the expenses of the Office shall be paid
from funds appropriated for allowances and expenses of the
Senate,
upon vouchers approved by the Executive Director, except that
a voucher shall not be required for the disbursement of salaries
of employees who are paid at an annual rate. The Clerk of the
House of Representatives and the Secretary of the Senate are
authorized to make arrangements for the division of expenses under
this subsection, including arrangements for one House of Congress
to reimburse the other House of Congress.

(b) **Financial and Administrative Services.**—The Executive
Director may place orders and enter into agreements for goods
and services with the head of any agency, or major organizational
unit within an agency, in the legislative or executive branch of
the United States in the same manner and to the same extent
as agencies are authorized under sections 1535 and 1536 of title
31, United States Code, to place orders and enter into agreements.

(c) **Witness Fees and Allowances.**—Except for covered
employees, witnesses before a hearing officer or the Board in any
proceeding under this Act other than rulemaking shall be paid
the same fee and mileage allowances as are paid subpoenaed wit-
nesses in the courts of the United States. Covered employees who
are summoned, or are assigned by their employer, to testify in
their official capacity or to produce official records in any proceeding
under this Act shall be entitled to travel expenses under subchapter
I and section 5751 of chapter 57 of title 5, United States Code.

**TITLE IV—Administrative and Judicial Dispute-Resolution Proce-
dures**

2 USC 1401.

**SEC. 401. Procedure for Consideration of Alleged Violations.**

Except as otherwise provided, the procedure for consideration
of alleged violations of part A of title II consists of—
(1) counseling as provided in section 402;
(2) mediation as provided in section 403; and
(3) election, as provided in section 404, of either—
   (A) a formal complaint and hearing as provided in
   section 405, subject to Board review as provided in section
   406, and judicial review in the United States Court of
   Appeals for the Federal Circuit as provided in section 407,
   or
   (B) a civil action in a district court of the United
   States as provided in section 408.

In the case of an employee of the Office of the Architect of the
Capitol or of the Capitol Police, the Executive Director, after receiv-
ing a request for counseling under section 402, may recommend
that the employee use the grievance procedures of the Architect
of the Capitol or the Capitol Police for resolution of the employee's
grievance for a specific period of time, which shall not count against
the time available for counseling or mediation.

2 USC 1402.

**SEC. 402. Counseling.**

(a) **In General.**—To commence a proceeding, a covered
employee alleging a violation of a law made applicable under part
A of title II shall request counseling by the Office. The Office
shall provide the employee with all relevant information with
respect to the rights of the employee. A request for counseling
shall be made not later than 180 days after the date of the alleged violation.

(b) Period of Counseling.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Notification of End of Counseling Period.—The Office shall notify the employee in writing when the counseling period has ended.

SEC. 403. MEDIATION.

(a) Initiation.—Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 402, but prior to and as a condition of making an election under section 404, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) Process.—Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) Mediation Period.—The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) Independence of Mediation Process.—No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 404. ELECTION OF PROCEEDING.

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 405, or

(2) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.

SEC. 405. COMPLAINT AND HEARING.

(a) In General.—A covered employee may, upon the completion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred, and about which mediation was conducted.

(b) Dismissal.—A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) Hearing Officer.—

(1) Appointment.—Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall
select hearing officers on a rotational or random basis from the lists developed under paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) Lists.—The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this Act; and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) Hearing.—Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) Discovery.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) Subpoenas.—

(1) In general.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) Objections.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) Enforcement.—

(A) In general.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.
LEGISLATIVE ACTS

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(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title II. The decision shall be entered in the records of the Office. If a decision is not appealed under section 406 to the Board, the decision shall be considered the final decision of the Office.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 102 and by Board decisions under this Act.

SEC. 406. APPEAL TO THE BOARD.

(a) IN GENERAL.—Any party aggrieved by the decision of a hearing officer under section 405(g) may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) PARTIES’ OPPORTUNITY TO SUBMIT ARGUMENT.—The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II,

(B) a charging individual or a respondent before the Board who files a petition under section 210(d)(4),

(C) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5), or

(D) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3).
The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) Enforcement.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

(b) Procedures.—

(1) Respondents.—(A) In any proceeding commenced by a petition filed under subsection (a)(1)(A) or (B), or filed by a party other than the General Counsel under subsection (a)(1)(C) or (D), the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1)(C) or (D), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2), the party under section 405 or 406 that the General Counsel determines has failed to comply with a final decision under section 405(g) or 406(e) shall be named respondent.

(2) Intervention.—Any party that participated in the proceedings before the Board under section 406 and that was not made respondent under paragraph (1) may intervene as of right.

(c) Law Applicable.—Chapter 158 of title 28, United States Code, shall apply to judicial review under paragraph (1) of subsection (a), except that—

(1) with respect to section 2344 of title 28, United States Code, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 406(e); and

(4) the Office shall be an “agency” as that term is used in chapter 158 of title 28, United States Code.

(d) Standard of Review.—To the extent necessary for decision in a proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) Record.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 408. CIVIL ACTION.

(a) Jurisdiction.—The district courts of the United States shall have jurisdiction over any civil action commenced under sec-
tion 404 and this section by a covered employee who has completed counseling under section 402 and mediation under section 403. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) PARTIES.—The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) JURY TRIAL.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this Act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.

Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(e)(2), if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.

The authorization to bring judicial proceedings under sections 405(f)(3), 407, and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules...
of either House relating to records and information within its jurisdiction.

SEC. 414. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties to a process described in section 210, 215, 220, or 401 shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 415. PAYMENTS.

(a) AWARDS AND SETTLEMENTS.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) COMPLIANCE.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, ACCOMMODATION, AND ACCESS REQUIREMENTS.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

SEC. 416. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

(d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 407.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e).

(f) FINAL DECISIONS.—A final decision entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.
TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 102(b)(3) and 304(c) are enacted—
(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and
(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of any provision of section 201 to consider the—
(1) party affiliation;
(2) domicile; or
(3) political compatibility with the employing office;
of an employee referred to in subsection (b) with respect to employment decisions.
(b) DEFINITION.—For purposes of subsection (a), the term “employee” means—
(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;
(2) an employee on the staff of a committee or subcommittee of—
(A) the House of Representatives;
(B) the Senate; or
(C) a joint committee of the Congress;
(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;
(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or
(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—
(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

"SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the ‘Government Employee Rights Act of 1991’.
(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.
(c) DEFINITION.—For purposes of this title, the term ‘violation’ means a practice that violates section 302(a) of this title."
"SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED."

"(a) PRACTICES.—All personnel actions affecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or


"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

"(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g), 2000e-5(k), 2000e-16(d)), and such compensatory damages as would be appropriate if awarded under section 1977 or sections 1977A(a) and 1977A(b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a (a) and (b)(2));

"(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

"(3) may not include punitive damages.

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203-1218, 1221, 1223, and 1224) are repealed, except as provided in section 506 of this Act.

(3) Sections 320 and 321 of the Government Employee Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking “and 307(h) of this title”.

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103-283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);
The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) Transition Provisions for Employees of the House of Representatives and of the Senate. —

(1) Claims Arising Before Effective Date. — If, as of the date on which section 201 takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) Claims Arising Between Effective Date and Opening of Office. — If a claim by an employee of the Senate or House of Representatives arises under section 201 or 202 after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the provisions of the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.) and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 402 and 403. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991 (2 U.S.C. 1207) or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 408.
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SEC. 1205 of the Supplemental Appropriations Act of 1993.—With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) remains in effect.

(b) Transition Provisions for Employees of the Architect of the Capitol.—

(1) Claims Arising Before Effective Date.—If, as of the date on which section 201 takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (Public Law 103-283), the employee may complete, or initiate and complete, all procedures under section 312(e) of that Act, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) Claims Arising Between Effective Date and Opening of Office.—If a claim by an employee of the Architect of the Capitol arises under section 201 or 202 after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103-283). If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103-283), and thereafter proceed exclusively under section 312(e) of that Act, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 408.

(c) Transition Provision Relating To Matters Other Than Employment Under Section 509 of the Americans With Disabilities Act of 1990.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect with respect to each of the entities covered by section 509 of such Act.

SEC. 507. USE OF FREQUENT FLYER MILES.

(a) Limitation on the Use of Travel Awards.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate shall be considered the property of the office for which the travel was performed and may not be converted to personal use.

(b) Regulations.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) Definitions.—As used in this section—

(1) the term “travel award” means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term “official travel” means travel engaged in the course of official business of the Senate.
SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

SEC. 509. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

PUBLIC LAW 104–59—NOV. 28, 1995

TRANSPORTATION ACTS

PUBLIC LAW 104–59—NOV. 28, 1995

Public Law 104–59
104th Congress

An Act

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Highway System Designation Act of 1995”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National highway system designation.

TITLE II—TRANSPORTATION FUNDING FLEXIBILITY

Sec. 201. Findings and purposes.
Sec. 202. Funding restoration.
Sec. 203. Recissions.
Sec. 204. State unobligated balance flexibility.
Sec. 205. Relief from mandates.
Sec. 206. Definitions.

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

Sec. 301. Traffic monitoring, management, and control on NHS.
Sec. 302. Transferability of apportionments.
Sec. 303. Quality improvement.
Sec. 304. Design criteria for the national highway system.
Sec. 305. Applicability of transportation conformity requirements.
Sec. 306. Motorist call boxes.
Sec. 307. Quality through competition.
Sec. 308. Limitation on advance construction.
Sec. 309. Preventive maintenance.
Sec. 310. Federal share.
Sec. 311. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.
Sec. 312. Vehicle weight and longer combination vehicles exemptions.
Sec. 313. Toll roads.
Sec. 314. Scenic byways.
Sec. 315. Applicability of certain requirements to third party sellers.
Sec. 316. Streamlining for transportation enhancement projects.
Sec. 317. Metropolitan planning for highway projects.
Sec. 318. Non-Federal share for certain toll bridge projects.
Sec. 319. Congestion mitigation and air quality improvement program.
Sec. 320. Operation of motor vehicles by intoxicated minors.
Sec. 321. Utilization of the private sector for surveying and mapping services.
Sec. 322. Donations of funds, materials, or services for federally assisted projects.
Sec. 323. Discovery and admission as evidence of certain reports and surveys.
Sec. 324. Alcohol-impaired driving countermeasures.
Sec. 325. References to Committee on Transportation and Infrastructure.
Sec. 326. Public transit vehicles exemption.
Sec. 327. Use of recycled paving material.
Sec. 328. Roadside barrier technology.
Sec. 329. Corrections to miscellaneous authorizations.
Sec. 330. Corrections to high cost bridge projects.
Sec. 331. Corrections to congestion relief projects.
Sec. 332. High priority corridors.
Sec. 333. Corrections to rural access projects.
Sec. 334. Corrections to urban access and mobility projects.
Sec. 335. Corrections to innovative projects.
Sec. 336. Corrections to intermodal projects.
Sec. 337. National recreational trails.
Sec. 338. Intelligent transportation systems.
Sec. 339. Eligibility.
Sec. 341. Accessibility of over-the-road buses to individuals with disabilities.
Sec. 342. Alcohol and controlled substances testing.
Sec. 343. National driver register.
Sec. 344. Commercial motor vehicle safety pilot program.
Sec. 345. Exemptions from requirements relating to commercial motor vehicles and their operators.
Sec. 346. Winter home heating oil delivery State flexibility program.
Sec. 347. Safety report.
Sec. 348. Moratorium on certain emissions testing requirements.
Sec. 349. Roads on Federal lands.
Sec. 350. State infrastructure bank pilot program.
Sec. 351. Railroad-highway grade crossing safety.
Sec. 352. Collection of bridge tolls.
Sec. 353. Traffic control.
Sec. 354. Public use of rest areas.
Sec. 355. Safety belt use law requirements for New Hampshire and Maine.
Sec. 356. Orange County, California, toll roads.
Sec. 357. Compilation of title 23, United States Code.
Sec. 358. Safety research initiatives.
Sec. 359. Miscellaneous studies.

TITLE IV—WOODROW WILSON MEMORIAL BRIDGE

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purposes.
Sec. 404. Definitions.
Sec. 405. Establishment of authority.
Sec. 407. Ownership of bridge.
Sec. 408. Project planning.
Sec. 409. Additional powers and responsibilities of authority.
Sec. 410. Funding.
Sec. 411. Availability of prior authorizations.

23 USC 101 note.

SEC. 2. SECRETARY DEFINED.

In this Act, the term “Secretary” means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.
(a) In General.—Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

“(5) DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled ‘Official Submission, National Highway System, Federal Highway Administration’, and dated November 13, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

“(6) MODIFICATIONS TO NHS.—

“(A) IN GENERAL.—Subject to paragraph (7), the Secretary may make modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary if the Secretary determines that each of the modifications—

“(i) meets the criteria established for the National Highway System under this title; and

“(ii) enhances the national transportation characteristics of the National Highway System.

“(B) COOPERATION.—In proposing modifications under this paragraph, a State shall cooperate with local and regional officials. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134.

“(7) TRANSITIONAL RULES FOR INTERMODAL CONNECTORS.—

“(A) REQUIRED SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit for approval to the Committee on Environment and Public
SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) Federal infrastructure spending on transportation is critical to the efficient movement of goods and people in the United States;

(2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921) has been estimated...
to result in fiscal year 1996 transportation spending being reduced by as much as $2,700,000,000;
(3) such section 1003(c) will result in a reduction of critical funds to States from the Highway Trust Fund; and
(4) the funding reduction will have adverse effects on the national economy and the predictability of funding for the Nation’s highway system and impede interstate commerce.

(b) PURPOSES.—The purposes of this title are—
(1) to make the program categories in the Federal-aid highway program more flexible so that States may fund high-priority projects in fiscal year 1996;
(2) to reallocate funds from certain programs during fiscal year 1996 so that the States will be able to continue their core transportation infrastructure programs;
(3) to ensure the equitable distribution of funds to urbanized areas with a population over 200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and
(4) to suspend certain penalties that would be imposed on the States.

SEC. 202. FUNDING RESTORATION.

(a) IN GENERAL.—Not later than the 10th day following the date of the enactment of this Act and on October 1, 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available, as a result of section 203, to carry out this section for fiscal years 1996 and 1997, respectively, for projects eligible for assistance under chapter 1 of title 23, United States Code.

(b) ALLOCATION FORMULA.—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

<table>
<thead>
<tr>
<th>States</th>
<th>Allocation Percentages</th>
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<tbody>
<tr>
<td>Alabama</td>
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<tr>
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<tr>
<td>California</td>
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<td>Maine</td>
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<tr>
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<td>South Carolina</td>
<td>1.42</td>
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</table>
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South Dakota ................................................................. 0.69
Tennessee ........................................................................ 2.00
Texas ............................................................................... 6.21
Utah .............................................................................. 0.73
Vermont ........................................................................... 0.43
Virginia .......................................................................... 2.28
Washington ..................................................................... 2.05
West Virginia ................................................................. 1.15
Wisconsin ....................................................................... 1.90
Wyoming ......................................................................... 0.65
Puerto Rico ...................................................................... 0.46
Territories ....................................................................... 0.01.

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note).

(d) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such funds shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The amount determined by application of the percentage determined under paragraph (2) to funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds that would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921); by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of title 23, United States Code (relating to transportation planning). One and one-half percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in section 307(c) of such title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $266,522,436 for fiscal year 1996 and $155,000,000 for fiscal year 1997. Such funds shall not be subject to an administrative deduction under section 104(a) of title 23, United States Code.

(h) TERRITORIES DEFINED.—In this section, the term “territories” means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
SEC. 203. RESCISSONS.

(a) RESCISSIONS.—Effective on the date of the enactment of this Act and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2121), the following unobligated balances available on such date of enactment, of funds made available for the following provisions are hereby rescinded:

(1) $78,994 made available by section 131(c) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2120).

(2) $798,701 made available by section 131(j) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2123).

(3) $942,249 made available by section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 185).

(4) $52,834 made available by section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).


(6) $797,800 made available by section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(7) $2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201).


(10) $113,834,740, or such greater amount as may be necessary to ensure that the aggregate of amounts rescinded by this subsection and amounts reduced by the amendments made by subsection (b) is equal to the amount authorized to be appropriated by section 202(g) for fiscal year 1996, deducted by the Secretary under section 104(a) of title 23, United States Code.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting “and” after “1994,”; and

(B) in subparagraph (A) by striking “, $125,000,000” and all that follows through “1997”; and

(C) in subparagraph (B) by striking “1996, and 1997” and inserting “and 1996”.

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking “and” the first place it appears and inserting a comma; and

(B) by striking “1996, and 1997” and inserting “and 1996, and $146,000,000 for fiscal year 1997”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the later of the date of the enactment of this Act or as soon as possible after the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b) of
the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out projects under section 202 of this Act.

SEC. 204. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On the date of the enactment of this Act, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct the amount allocated to each State in fiscal year 1996 to carry out projects under section 202 of this Act.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects eligible for assistance under chapter 1 of title 23, United States Code, in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before the 30th day following the date of the enactment of this Act, or as soon as possible thereafter, which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available, before the 45th day following such date of enactment or as soon as possible thereafter, funds designated under the preceding sentence to the State.

(c) SPECIAL RULES.—

(1) URBANIZED AREAS OF OVER 200,000.—Funds that were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may be designated by the State under subsection (b) only if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(2) CONGESTION MITIGATION AND AIR QUALITY AND SURFACE TRANSPORTATION PROGRAM TRANSPORTATION ENHANCEMENT ACTIVITIES BALANCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), States may not designate under subsection (b) CMAQ and STP transportation enhancement funds.

(B) EXCEPTION FOR INSUFFICIENT FUNDING AVAILABILITY.—If the Secretary determines—

(i) that there is not sufficient funding available to pay the Federal share of the cost of a project in fiscal year 1996 from funds apportioned or allocated to a State under title 23, United States Code, and title I of the Intermodal Surface Transportation Efficiency Act of 1991 and available for carrying out projects of the same category as such project, and

(ii) that the State has utilized all flexibility and transferability available to it under title 23, United States Code, and this section with respect to such project,

the State may designate in fiscal year 1996 under subsection (b) CMAQ and STP transportation enhancement funds apportioned or allocated to the State and not obligated as of the date of the enactment of this Act to carry out such project.
CMAQ AND STP TRANSPORTATION ENHANCEMENT FUNDS DEFINED.—In this paragraph, the term "CMAQ and STP transportation enhancement funds" means—

(i) funds apportioned under section 104(b)(2) of title 23, United States Code; and

(ii) funds apportioned under section 104(b)(3) of such title and available only for transportation enhancement activities under section 133(d)(3) of such title.

INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) more than $\frac{2}{3}$ of funds apportioned or allocated to the State for interstate construction and not obligated as of the date of the enactment of this Act.

APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be available for obligation for the same period for which such amounts were originally made available for obligation. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations under section 157 of title 23, United States Code, and sections 1002(e), 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

STATE.—In this section and section 202, the term “State” has the meaning such term has under section 401 of title 23, United States Code.

SEC. 205. RELIEF FROM MANDATES.

(a) SUSPENSION OF MANAGEMENT SYSTEMS.—Section 303 of title 23, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

“(c) STATE ELECTION.—A State may elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election.”; and

(2) in subsection (f)—

(A) by striking “(f) ANNUAL REPORT.—Not” and inserting the following:

“(f) REPORTS.—

“(1) ANNUAL REPORTS.—Not”;

(B) by moving the remainder of the text of paragraph (1), as designated by subparagraph (A) of this paragraph, 2 ems to the right; and

(C) by adding at the end the following:

“(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Comptroller General, in consultation with States, shall transmit to Congress a report on the management systems under this section, including recommendations as to whether, to what extent, and how the management systems should be implemented.”.


(c) METRIC REQUIREMENTS.—

(1) PLACEMENT AND MODIFICATION OF SIGNS.—The Secretary shall not require the States to expend any Federal or State funds to construct, erect, or otherwise place or to modify any sign relating to a speed limit, distance, or other
measurement on a highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(2) OTHER ACTIONS.—Before September 30, 2000, the Secretary shall not require that any State use or plan to use the metric system with respect to designing or advertising, or preparing plans, specifications, estimates, or other documents, for a Federal-aid highway project eligible for assistance under title 23, United States Code.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) HIGHWAY.—The term “highway” has the meaning such term has under section 101 of title 23, United States Code.

(B) METRIC SYSTEM.—The term “metric system” has the meaning the term “metric system of measurement” has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

(d) REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.—

(1) IN GENERAL.—Title 23, United States Code, is amended—

(A) in section 141 by striking subsection (a) and redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and

(B) by striking section 154.

(2) CONFORMING AMENDMENT.—The analysis to chapter 1 of such title is amended by striking the item relating to section 154.

(3) APPLICABILITY.—The amendments made by paragraph (1) shall be applicable to a State on the 10th day following the date of the enactment of this Act; except that if the legislature of a State is not in session on such date of enactment and the chief executive officer of the State declares, before such 10th day, that the legislature is not in session and that the State prefers an applicability date for such amendments that is after the date on which the legislature will convene, such amendments shall be applicable to the State on the 60th day following the date on which the legislature next convenes.

(e) ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.—Effective September 30, 1995, section 153(h) of title 23, United States Code, is amended by striking “a law described in subsection (a)(1) and” each place it appears.

SEC. 206. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term “authorized funds” means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term “urbanized area” has the meaning such term has under section 101(a) of title 23, United States Code.

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

SEC. 301. TRAFFIC MONITORING, MANAGEMENT, AND CONTROL ON NHS.

(a) ELIGIBILITY.—Section 103(i) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:
“(8) Capital and operating costs for traffic monitoring, management, and control facilities and programs.”.

(b) Definitions.—Section 101(a) of such title is amended—

(1) in the undesignated paragraph relating to the term “project” by inserting before the period at the end the following: “or any other undertaking eligible for assistance under this title”; and

(2) by striking the undesignated paragraph relating to the term “startup costs for traffic management and control” and inserting the following:

“The term ‘operating costs for traffic monitoring, management, and control’ includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.”.

SEC. 302. TRANSFERABILITY OF APPORTIONMENTS.

The third sentence of section 104(g) of title 23, United States Code, is amended by striking “40 percent” and inserting “50 percent”.

SEC. 303. QUALITY IMPROVEMENT.

(a) Life-Cycle Cost Analysis.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

“(e) Life-Cycle Cost Analysis—

“(1) Establishment.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of each usable project segment on the National Highway System with a cost of $25,000,000 or more.

“(2) Analysis of the Life-Cycle Costs Defined.—In this subsection, the term ‘analysis of the life-cycle costs’ means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.”.

(b) Value Engineering.—Such section is further amended by adding at the end the following:

“(f) Value Engineering for NHS.—

“(1) Requirement.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

“(2) Value Engineering Defined.—In this subsection, the term ‘value engineering analysis’ means a systematic process of review and analysis of a project during its design phase by a multidisciplined team of persons not involved in the project in order to provide suggestions for reducing the total cost of the project and providing a project of equal or better quality. Such suggestions may include combining or eliminating otherwise inefficient or expensive parts of the original proposed design for the project and total redesign of the proposed project using different technologies, materials, or methods so as to accomplish the original purpose of the project.”.

SEC. 304. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.

Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) In General.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

“(1) adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and
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“(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality.”;

(2) by striking subsection (c) and inserting the following:

“(c) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYSTEM.—

(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) may take into account, in addition to the criteria described in subsection (a)—

(A) the constructed and natural environment of the area;

(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

(C) access for other modes of transportation.

(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway departments, may develop criteria to implement paragraph (1). In developing criteria under this paragraph, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as used in adopting and publishing ‘A Policy on Geometric Design of Highways and Streets’, including comments submitted by interested parties as part of such process.”; and

(3) by striking subsection (q) and inserting the following:

“(q) SCENIC AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

(A) allow for the preservation of environmental, scenic, or historic values;

(B) ensure safe use of the facility; and

(C) comply with subsection (a).”.

SEC. 305. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking “plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.” and inserting the following: “plan for—

(1) the implementation of a national ambient air quality standard for each pollutant for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).”.

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

“(5) APPLICABILITY.—This subsection shall apply only with respect to—

(A) a nonattainment area and each pollutant for which the area is designated as a nonattainment area; and

(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.”.
SEC. 306. MOTORIST CALL BOXES.
Section 111 of title 23, United States Code, is amended by adding at the end the following:

“(c) MOTORIST CALL BOXES.—
“(1) IN GENERAL.—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.
“(2) SPONSORSHIP LOGOS.—
“(A) APPROVAL BY STATE AND LOCAL AGENCIES.—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.
“(B) SIZE ON BOX.—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.
“(C) SIZE ON IDENTIFICATION SIGN.—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.
“(D) SPACING OF SIGNS.—Sponsorship logos affixed to an identification sign on a call box post may be located on the rights-of-way at intervals not more frequently than 1 per every 5 miles.
“(E) DISTRIBUTION THROUGHOUT STATE.—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.
“(3) NONSAFETY HAZARDS.—The call boxes and their location, posts, foundations, and mountings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.”.

SEC. 307. QUALITY THROUGH COMPETITION.
(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following:

“(C) PERFORMANCE AND AUDITS.—Any contract or sub-contract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulations of part 31 of title 48, Code of Federal Regulations.
“(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or sub-contract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal Acquisition Regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.
“(E) APPLICATION OF RATES.—Once a firm’s indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind.
“(F) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate
data described in subparagraph (E) shall notify any affected
firm before such request or use. Such data shall be con-
fidential and shall not be accessible or provided, in whole
or in part, to another firm or to any government agency
which is not part of the group of agencies sharing cost
data under this paragraph, except by written permission
of the audited firm. If prohibited by law, such cost and
rate data shall not be disclosed under any circumstances.

"(G) State Option.—Subparagraphs (C), (D), (E), and
(F) shall take effect 1 year after the date of the enactment
of this subparagraph; except that if a State, during such
1-year period, adopts by statute an alternative process
intended to promote engineering and design quality and
ensure maximum competition by professional companies
of all sizes providing engineering and design services, such
subparagraphs shall not apply with respect to the State.
If the Secretary determines that the legislature of the
State did not convene and adjourn a full regular session
during such 1-year period, the Secretary may extend such
1-year period until the adjournment of the next regular
session of the legislature."

(b) Repeal of Pilot Program.—Section 1092 of the Intermodal
Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note;
105 Stat. 2024) is repealed.

SEC. 308. Limitation on Advance Construction.
Section 115(d) of title 23, United States Code, is amended
to read as follows:

"(d) Inclusion in Transportation Improvement Program.—
The Secretary may approve an application for a project under
this section only if the project is included in the transportation
improvement program of the State developed under section 135(f)."

SEC. 309. Preventive Maintenance.
Section 116 of title 23, United States Code, is amended by
adding at the end the following:

"(d) Preventive Maintenance.—A preventive maintenance
activity shall be eligible for Federal assistance under this title
if the State demonstrates to the satisfaction of the Secretary that
the activity is a cost-effective means of extending the useful life
of a Federal-aid highway."


(a) Safety Rest Areas.—Section 120(c) of title 23, United
States Code, is amended—

(1) by inserting "safety rest areas," after "signalization,";
and

(2) by adding at the end the following: "In this subsection,
the term 'safety rest area' means an area where motor vehicle
operators can park their vehicles and rest, where food, fuel,
and lodging services are not available, and that is located
on a segment of highway with respect to which the Secretary
determines there is a shortage of public and private areas
at which motor vehicle operators can park their vehicles and
rest."

(b) Bicycle Transportation Facilities and Pedestrian
Walkways.—Section 217(f) of such title is amended by striking
"80 percent" and inserting "determined in accordance with section
120(b)"

(c) Economic Growth Center Development Highways.—Sec-
tion 1021(c) of the Intermodal Surface Transportation Efficiency
Act of 1991 (23 U.S.C. 120 note), as amended by section 417 of the
Department of Transportation and Related Agencies Appropri-
ations Act, 1993 (106 Stat. 1565), is amended—

(1) by striking "and" at the end of clause (2) and inserting
"or"; and
(2) in clause (3) by striking “section 143 of title 23” and inserting “a project for construction, reconstruction, or improvement of a development highway under section 143 of such title on a Federal-aid system (other than the Interstate System), as such system was described in section 103 of such title on the day before the date of the enactment of this Act”.

(d) NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.—Notwithstanding any other provision of law, the Federal share of the cost of the project to construct a highway to the Northwest Arkansas Regional Airport from United States Route 71 in Arkansas shall be 95 percent.

SEC. 311. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.

(a) In General.—Section 122 of title 23, United States Code, is amended to read as follows:

“§ 122. Payments to States for bond and other debt instrument financing

“(a) Definition of Eligible Debt Financing Instrument.—In this section, the term ‘eligible debt financing instrument’ means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State or a public authority, the proceeds of which are used for an eligible project under this title.

“(b) Federal Reimbursement.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State and reimburse a public authority for expenses and costs incurred by the public authority for—

“(1) interest payments under an eligible debt financing instrument;

“(2) the retirement of principal of an eligible debt financing instrument;

“(3) the cost of the issuance of an eligible debt financing instrument;

“(4) the cost of insurance for an eligible debt financing instrument; and

“(5) any other cost incidental to the sale of an eligible debt financing instrument (as determined by the Secretary).

“(c) Conditions on Payment.—The Secretary may reimburse a State or public authority under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State or public authority has complied with this title with respect to the project to the extent and in the manner that would be required if payment were to be made under section 121.

“(d) Federal Share.—The Federal share of the cost of a project payable under this section shall not exceed the Federal share of the cost of the project as determined under section 120.

“(e) Statutory Construction.—Notwithstanding any other provision of law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (b) shall not—

“(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

“(2) create any right of a third party against the United States for payment under the eligible debt financing instrument.”.

(b) Definition of Construction.—The first sentence of the undesignated paragraph relating to the term “construction” of section 101(a) of such title is amended by inserting “bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments,” after “highway, including”. 
(c) **Conforming Amendment.**—The analysis for chapter 1 of such title is amended by striking the item relating to section 122 and inserting the following:

"122. Payments to States for bond and other debt instrument financing."

**SEC. 312. VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTIONS.**

(a) **Sioux City, Iowa.—**

(1) **Vehicle weight limitations.**—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking "except for those" and inserting the following: "except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those".

(2) **Longer combination vehicles.**—Section 127(d)(1) of such title is amended by adding at the end the following:

"(F) Iowa.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska."

(3) **Property-carrying unit limitation.**—Section 31112(c) of title 49, United States Code, is amended—

(A) in the subsection heading by striking "and Alaska" and inserting "Alaska, and Iowa";

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following:

"(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991.".

(b) **Applicability of certain vehicle weight limitations in Wisconsin.**—Section 127 of such title is amended by adding at the end the following:

"(f) Operation of certain specialized hauling vehicles on certain Wisconsin highways.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of the enactment of this subsection.".

**SEC. 313. TOLL ROADS.**

(a) **Federal share for highways, bridges, and tunnels.**—Section 129(a)(5) of title 23, United States Code, is amended to read as follows:

"(5) Limitation on federal share.—The Federal share payable for a project described in paragraph (1) shall be a
percentage determined by the State but not to exceed 80 percent.

(b) LOAN PROGRAM.—Section 129(a)(7) of title 23, United States Code, is amended to read as follows:

"(7) LOANS.—

"(A) In General.—A State may loan to a public or private entity constructing or proposing to construct under this section a toll facility or non-toll facility with a dedicated revenue source an amount equal to all or part of the Federal share of the cost of the project if the project has a revenue source specifically dedicated to it. Dedicated revenue sources for non-toll facilities include excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, and such other dedicated revenue sources as the Secretary determines appropriate.

"(B) Compliance with Federal Laws.—As a condition of receiving a loan under this paragraph, the public or private entity that receives the loan shall ensure that the project will be carried out in accordance with this title and any other applicable Federal law, including any applicable provision of a Federal environmental law.

"(C) Subordination of Debt.—The amount of any loan received for a project under this paragraph may be subordinated to any other debt financing for the project.

"(D) Obligation of Funds Loaned.—Funds loaned under this paragraph may only be obligated for projects under this paragraph.

"(E) Repayment.—The repayment of a loan made under this paragraph shall commence not later than 5 years after date on which the facility that is the subject of the loan is open to traffic.

"(F) Term of Loan.—The term of a loan made under this paragraph shall not exceed 30 years from the date on which the loan funds are obligated.

"(G) Interest.—A loan made under this paragraph shall bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible.

"(H) Reuse of Funds.—Amounts repaid to a State from a loan made under this paragraph may be obligated—

"(i) for any purpose for which the loan funds were available under this title; and

"(ii) for the purchase of insurance or for use as a capital reserve for other forms of credit enhancement for project debt in order to improve credit market access or to lower interest rates for projects eligible for assistance under this title.

"(I) Guidelines.—The Secretary shall establish procedures and guidelines for making loans under this paragraph.

(c) FERRY BOATS AND TERMINAL FACILITIES.—Section 129(c)(5) of such title is amended—

(1) by inserting before the period at the end of the first sentence the following: "or between a point in a State and a point in the Dominion of Canada"; and

(2) in the second sentence—

(A) by striking "Hawaii and" and inserting "Hawaii,;"

and

(B) by inserting after "Puerto Rico" the following: ", operations between a point in a State and a point in the Dominion of Canada,;"

(d) TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authoriz—
ing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of such title.

(e) Collection of Tolls To Finance Certain Environmental Projects in Florida.—Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary shall modify the agreement entered into with the transportation department of the State under section 129(a)(3) of such title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 314. SCENIC BYWAYS.

Section 131(s) of title 23, United States Code, is amended by adding at the end the following: "In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity."

SEC. 315. APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.

Section 133(d) of title 23, United States Code, is amended by adding at the end the following: 

"(5) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of a transportation enhancement activity funded from the allocation required under paragraph (2), if real property or an interest in real property is to be acquired from a qualified organization exclusively for conservation purposes (as determined under section 170(h) of the Internal Revenue Code of 1986), the organization shall be considered to be the owner of the property for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(B) FEDERAL APPROVAL PRIOR TO INVOLVEMENT OF QUALIFIED ORGANIZATION.—If Federal approval of the acquisition of the real property or interest predates the involvement of a qualified organization described in subparagraph (A) in the acquisition of the property, the organization shall be considered to be an acquiring agency or person as described in section 24.101(a)(2) of title 49, Code of Federal Regulations, for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(C) ACQUISITIONS ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—If a qualified organization described in subparagraph (A) has contracted with a State highway department or other recipient of Federal funds to acquire the real property or interest on behalf of the recipient, the organization shall be considered to be an agent of the recipient for the purpose of the Uniform Relocation
SEC. 316. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.

Section 133(e) of title 23, United States Code, is amended—
(1) in paragraph (3)—
(A) by striking “(3) PAYMENTS.—The” and inserting the following:
“(3) PAYMENTS.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), the”;
(B) by moving the remainder of the text of subparagraph (A), as designated by subparagraph (A) of this paragraph, 2 ems to the right; and
(C) by adding at the end the following:
“(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—
“(i) IN GENERAL.—The Secretary may advance funds to the State for transportation enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.
“(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.
“(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program.”; and
(2) by adding at the end the following:
“(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—
“(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).
“(B) NATIONAL PROGRAMMATIC AGREEMENT.—The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—
“(i) section 106 of such Act (16 U.S.C. 470f); and
“(ii) the regulations of the Advisory Council on Historic Preservation.”.

SEC. 317. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following:
“(16) Recreational travel and tourism.”.
SEC. 318. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: “Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.”

SEC. 319. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting “if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and” after “program” the second place it appears; and

(B) in paragraph (1)(A) by striking “contribute” and all that follows through “; or” and inserting the following: “contribute to—

(i) the attainment of a national ambient air quality standard; or

(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or”.

(2) APPORTIONMENT.—Section 104(b)(2) of such title is amended—

(A) in the second sentence, by striking “is a nonattainment area (as defined in the Clean Air Act) for ozone” and inserting “was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994”;

and

(B) in the third sentence—

(i) by striking “is also” and inserting “was also”; and

(ii) by inserting “during any part of fiscal year 1994” after “monoxide”.

(b) TRAFFIC MONITORING, MANAGEMENT, AND CONTROL FACILITIES AND PROGRAMS.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

“(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; or”.

(c) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, the amendments made by subsection (a) shall not affect any apportionment adjustments under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943).

SEC. 320. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:
§161. Operation of motor vehicles by intoxicated minors

(a) Withholding of apportionments for noncompliance.—

(1) Fiscal year 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

(2) Thereafter.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) Requirement.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) Period of availability; effect of compliance and noncompliance.—

(1) Period of availability of withheld funds.—

(A) Funds withheld on or before September 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) Funds withheld after September 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) Apportionment of withheld funds after compliance.—If, before the last day of the period for which funds withheld under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) Period of availability of subsequently apportioned funds.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) Effect of noncompliance.—If, at the end of the period for which funds withheld under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

(b) Conforming amendment.—The analysis of such chapter is amended by adding at the end the following:

"161. Operation of motor vehicles by intoxicated minors."

SEC. 321. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.

Section 306 of title 23, United States Code, is amended—

(1) by inserting "(a) in general.—" before "In"; and

(2) by adding at the end the following:

"(b) Guidance.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private-
sector sources for surveying and mapping services for projects under this title. In carrying out this subsection, the Secretary shall recommend appropriate roles for State and private mapping and surveying activities, including—

“(1) preparation of standards and specifications;

“(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

“(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

“(4) recommending methods for increasing the use by the States of private sector sources for surveying and mapping activities.”.

SEC. 322. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED PROJECTS.

Section 323 of title 23, United States Code, is amended—

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

(2) by inserting after subsection (b) the following:

“(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State highway department shall be credited against the State share.”.

SEC. 323. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting “or collected” after “compiled”.

SEC. 324. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking “the date of enactment of this section” and inserting “December 18, 1991”.

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is amended—

(1) in paragraph (3)—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:

“(B) A State shall be treated as having met the requirement of this paragraph if—

“(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

“(ii) the State demonstrates to the satisfaction of the Secretary that—

“(I) the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

“(II) the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.”; and

(2) by adding at the end the following:

“(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol.”.

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.
SEC. 325. REFERENCES TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

(a) Railway-Highway Crossings Report.—The third sentence of section 130(g) of title 23, United States Code, is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(b) Highway Bridge Replacement and Rehabilitation Report.—Section 144(i)(1) of such title is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(c) Hazard Elimination Report.—The third sentence of section 152(g) of such title is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(d) Research Reports.—Subsections (d)(5), (e)(11), and (h) of section 307 of such title are each amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(e) Congestion Pricing Pilot Program Report.—Section 1012(b)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(f) Motor Fuel Tax Enforcement Report.—Section 1040(d)(1) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(g) Allocation Formula Study.—Section 1098(b) of such Act (23 U.S.C. 104 note; 105 Stat. 2025) is amended by striking “these committees as they” and inserting “the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as the committees”.

(h) National Recreational Trails Report.—Section 1303(i) of such Act (16 U.S.C. 1262(i)) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

SEC. 326. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking “2-year” the first place it appears and all that follows through “Act,” and inserting “period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,”; and

(2) by striking the second sentence.

SEC. 327. USE OF RECYCLED PAVING MATERIAL.

Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1987–1990), as amended by section 205(b) of this Act, is amended—

(1) by inserting before subsection (e) the following:

“(d) Asphalt Pavement Containing Recycled Rubber.—

“(1) Crumb rubber modifier research.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representa-
tives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

"(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—

(A) IN GENERAL.—The Secretary may make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements.

(B) USE OF GRANT FUNDS.—Grant funds made available to States under this paragraph shall be used—

(i) to develop mix designs for crumb rubber modified asphalt pavements;

(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available."); and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

"(1) the term ‘asphalt pavement containing recycled rubber’ means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and”.

SEC. 328. ROADSIDE BARRIER TECHNOLOGY.


(1) in subsection (a)—

(A) by striking “median” and inserting “or temporary crashworthy”; and

(B) by inserting “crashworthy” after “innovative”; and

(2) in subsection (c)—

(A) in the subsection heading by inserting “CRASHWORTHY” after “INNOVATIVE”;

(B) by inserting “crashworthy” after “innovative”;

(C) by striking “median”;

(D) by inserting “or guiderail” after “guardrail”; and

(E) by inserting before the period at the end the following: “, and that meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers”.

SEC. 329. CORRECTIONS TO MISCELLANEOUS AUTHORIZATIONS.

(a) GOWANUS EXPRESSWAY CORRIDOR, NEW YORK.—Section 1069(ee) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 105) is amended by adding at the end the following: “In carrying out such improvements, the State of New York shall consider the economic and social impacts of the project on the neighboring community.”.

(b) NEW YORK CITY, NEW YORK.—Section 1069(gg) of such Act (105 Stat. 111) is amended to read as follows:

“(gg) INTERMODAL FACILITIES, NEW YORK.—

“(1) AUTHORIZATION OF Appropriations.—There is authorized to be appropriated to carry out this subsection $150,000,000 for fiscal years beginning after September 30, 1995, for—

(A) design and construction of the Whitehall Street Ferry Terminals in New York, New York;

(B) completion of construction of the Oak Point Link in the Harlem River in New York, New York;

(C) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and
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“(D) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.
Such sums shall remain available until expended.
“(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—
“(A) not to exceed $50,000,000 may be used to carry out paragraph (1)(A); and
“(B) not to exceed $10,000,000 may be used to carry out paragraph (1)(B).”.

SEC. 330. CORRECTIONS TO HIGH COST BRIDGE PROJECTS.
The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—
(1) in item number 2, relating to Eugene, Oregon—
(A) by striking “Construction” and inserting “Design, right-of-way acquisition, and construction”; and
(B) by inserting “, including pedestrian, bicycle, and vehicle approach roadways, intersections, signalization, and structural bridge changes, and related structures between East Broadway and Oakway Road” after “Bridge”;
(2) in item 5, relating to Gloucester Point, Virginia, by inserting after “York River” the following: “and for repair, strengthening, and rehabilitation of the existing bridge”; and
(3) in item 10, relating to Shakopee, Minnesota, by inserting “project, including the bypass of” after “replacement”.

SEC. 331. CORRECTIONS TO CONGESTION RELIEF PROJECTS.
The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—
(1) in item 1, relating to Long Beach, California, by striking “HOV Lanes on” and inserting “downtown Long Beach access ramps into the southern terminus of”;
(2) in item 10, relating to San Diego, California, by striking “1 block of Cut and Cover Tunnel on Rt. 15” and inserting “bridge decking on Route 15”;
(3) in item 23, relating to Tucson, Arizona, by inserting “, of which a total of $3,609,620 shall be available for the project authorized by item 74 of the table contained in section 1106(b)” after “in Tucson, Arizona”;
(4) in item 38, relating to New York, New York, by striking “Construction” and all that follows through “Bypass” and inserting the following: “Whitehall Street ferry terminals”; and
(5) in item 43, relating to West Virginia, by striking “Coal Fields” and inserting “Coalfields”.

SEC. 332. HIGH PRIORITY CORRIDORS.
(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS.—
(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—
(A) by inserting before the period at the end of paragraph (3) the following: “commencing on the Atlantic Coast in the Hampton Roads area going westward across Virginia to the vicinity of Lynchburg, Virginia, continuing west to serve Roanoke and then to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(V), then to Williamson sharing a common corridor with the I–73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and entering west-
ern Missouri and moving westward across southern Kansas;"

(B) by striking paragraph (5) and inserting the following:


"(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

"(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

"(II) I–581 to I–81 in the vicinity of Roanoke;

"(III) I–81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

"(IV) United States Route 460 to the West Virginia State line.

"(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

"(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

"(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

"(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

"(I) in the case of I–73—

"(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

"(bb) State Route 68 to I–40;

"(cc) I–40 to United States Route 220 in Greensboro;

"(dd) United States Route 220 to United States Route 1 near Rockingham;

"(ee) United States Route 1 to the South Carolina State line; and

"(ff) South Carolina State line to Charleston, South Carolina; and

"(II) in the case of I–74—

"(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

"(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

"(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

"(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina;

"(ee) United States Route 220 to United States Route 74 near Rockingham;

"(ff) United States Route 74 to United States Route 76 near Whiteville;

"(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

"(hh) South Carolina State line to Charleston, South Carolina.;

(C) in paragraph (18)—
(i) by striking "and;"
(ii) by inserting "Mississippi, Arkansas," after "Tennessee;"
(iii) by inserting after "Texas" the following: ", and to the Lower Rio Grande Valley at the border between the United States and Mexico; and
(iv) by inserting before the period at the end the following: ", and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181, including FM 511 from United States Route 77 to the Port of Brownsville;" and
(D) by adding at the end the following:
"(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.
"(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.
"(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.
"(26) The CANAMEX Corridor from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Montana, to the Canadian Border as follows:
"(A) In the State of Arizona, the CANAMEX Corridor shall generally follow—
"(i) I-19 from Nogales to Tucson;
"(ii) I-10 from Tucson to Phoenix; and
"(iii) United States Route 93 in the vicinity of Phoenix to the Nevada Border.
"(B) In the State of Nevada, the CANAMEX Corridor shall follow—
"(i) United States Route 93 from the Arizona Border to Las Vegas; and
"(ii) I-15 from Las Vegas to the Utah Border.
"(C) From the Utah Border through Montana to the Canadian Border, the CANAMEX Corridor shall follow I-15.
"(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:
"(A) In the State of Texas, the Camino Real Corridor shall generally follow—
"(i) arterials from the international ports of entry to I-10 in El Paso County; and
"(ii) I-10 from El Paso County to the New Mexico border.
"(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—
"(i) I-10 from the Texas Border to Las Cruces; and
"(ii) I-25 from Las Cruces to the Colorado Border.
"(C) In the State of Colorado, the Camino Real Corridor shall generally follow I-25 from the New Mexico border to Denver continuing to the Wyoming border.
"(D) In the State of Wyoming, the Camino Real Corridor shall generally follow—
"(i) I-25 north to join with I-90 at Buffalo; and
"(ii) I-90 to the Montana border.
"(E) In the State of Montana, the Camino Real Corridor shall generally follow—
“(i) I–90 to Billings; and
(ii) Montana Route 3, United States Route 12, United States Route 191, United States Route 87, to I–15 at Great Falls; and
(iii) I–15 from Great Falls to the Canadian border.

“(28) The Birmingham Northern Beltline beginning at I–59 in the vicinity of Trussville, Alabama, and traversing westwardly intersecting with United States Route 75, United States Route 79, and United States Route 31; continuing southwardly intersecting United States Route 78 and terminating at I–59 with the I–459 interchange.

“(29) The Coalfields Expressway beginning at Beckley, West Virginia, to Pound, Virginia, generally following the corridor defined as State Routes 54, 97, 10, 16, and 83.”.

(2) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:

“(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—

(A) IN GENERAL.—The portions of the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B), in subsection (c)(9), and in subsections (c)(18) and (c)(20) that are not a part of the Interstate System are designated as future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

“(i) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and
“(ii) connects to an existing Interstate System segment.

The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I–99.

(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as part of the Interstate System by this paragraph and the mileage of such segments shall be treated in the manner described in the last 2 sentences of section 139(a) of title 23, United States Code.

(C) USE OF FUNDS.—

“(i) GENERAL RULE.—Funds apportioned under section 104(b)(5)(A) of title 23, United States Code, may be used on a project to construct a portion of a route referred to in this paragraph to standards set forth in section 109(b) of such title if the State determines that the project for which the funds were originally apportioned is unreasonably delayed or no longer viable.

“(ii) LIMITATION.—If funds apportioned under section 104(b)(5)(A) of title 23, United States Code, for completing a segment of the Interstate System are used on a project pursuant to this subparagraph, no interstate construction funds may be made available, after the date of the enactment of this paragraph, for construction of such segment.”.

(b) FEASIBILITY STUDIES.—

(1) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of such Act (105 Stat. 2033) is amended by adding at the end the following: “A feasibility study may be conducted under this paragraph to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.”.

(2) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Sec-
SECRETARY in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads area.

(c) CORRECTIONS TO PROJECTS.—The table contained in section 1105(f) of such Act (105 Stat. 2033-2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after “For” the following: “the segment described in item 6 of this table and up to $11,000,000 for”;

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after “Rt. 72” the following: “and up to $1,500,000 from the State of Alabama’s share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure”;

(3) in item 21, relating to Louisiana, by inserting after “Shreveport, Louisiana” insert the following “, and up to $6,000,000 for surface transportation projects in Louisiana, including $4,500,000 for the I-10 and I-610 project in Jefferson Parish, Louisiana, in the corridor between the St. Charles Parish line and Tulane Avenue, $500,000 for noise analysis and safety abatement measures or barriers along the Lakewview section of I-610 in New Orleans, and $1,000,000 for 3 highway studies (including $250,000 for a study to widen United States Route 84/Louisiana Route 6 traversing north Louisiana, $250,000 for a study to widen Louisiana Route 42 from United States Route 61 to Louisiana Route 44 and extend to I-10 in East Ascension Parish, and $500,000 for a study to connect I-20 on both sides of the Ouachita River)”;

(4) in item 26, relating to Indiana, Kentucky, Tennessee, by striking “Newberry” and inserting “Evansville”.

(d) COALFIELDS EXPRESSWAY DESCRIPTION.—The first sentence of section 1069(v) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2010) is amended by striking “93” and inserting the following: “83, and from the West Virginia-Virginia State line generally following Route 83 to Pound, Virginia.”.

SEC. 333. CORRECTIONS TO RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037-2042) is amended—

(1) in item 18, relating to Louisiana, by inserting after “in Louisiana” the following: “and for Zachary Taylor Parkway, Alexandria to Bogalusa, Louisiana, to I-59 in Mississippi not to exceed $1,000,000”;

(2) in item 34, relating to Illinois, by striking “Resurfacing” and all that follows through “Omaha” and inserting “Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County”;

(3) in item 52, relating to Bedford Springs, Pennsylvania, by striking “and Huntington” and inserting “Franklin, and Huntingdon”;

(4) in item 61, relating to Lubbock, Texas, by striking “with Interstate 20” and inserting “with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the border between Texas and Oklahoma”;

(5) in item 71, relating to Chautauqua County, New York, by inserting “and other improvements” after “expressway lanes”;

(6) in item 75, relating to Pennsylvania, by striking “Widen” and all that follows through “lanes” and inserting “Road
improvements on a 14-mile segment of United States Route 15 in Lycoming County, Pennsylvania’’;
(7) in item 93, relating to New Mexico, by striking “Raton-Clayton Rd., Clayton, New Mexico” and inserting “United States Route 64/87 from Raton, New Mexico, through Clayton to the border between Texas and New Mexico”;
(8) in item 111, relating to Parker County, Texas—
(A) by striking “Parker County” and inserting “Parker and Tarrant Counties”;
and
(B) by striking “to four-” and inserting “in Tarrant County to freeway standards and in Parker County to a 4-”.

SEC. 334. CORRECTIONS TO URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043-2047) is amended—
(1) in item 9, relating to New York, New York, by inserting after “NY” the following: “, $4,440,398, and redevelopment of the James A. Farley Post Office, Pennsylvania Station, and associated service buildings into an intermodal transportation facility and commercial center, $11,159,602’’;
(2) in item 13, relating to Joliet, Illinois, by striking “and construction and interchange at Houbolt Road and I-80”;
(3) in item 36, relating to Compton, California, by striking “For a grade” and all that follows through “Corridor” and inserting “For grade separations and other improvements in the city of Compton, California’’; and
(4) in item 52, relating to Chicago, Illinois, by striking “Right-of-way” and all that follows through “Connector)” and inserting “Reconstruct the Michigan Avenue viaduct’’.

SEC. 335. CORRECTIONS TO INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048-2059) is amended—
(1) in item 10, relating to Atlanta, Georgia, by striking “(IVHS)” and inserting “(ITS)”;
(2) in item 19, relating to Water Street, Pennsylvania—
(A) by striking “Water Street’’;
and
(B) by inserting “, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania” after “Pennsylvania” the second place it appears;
(3) in item 20, relating to Holidaysburg, Pennsylvania—
(A) by striking “Holidaysburg,,” the first place it appears; and
(B) by inserting “, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania” after “Pennsylvania” the second place it appears;
(4) in item 24, relating to Pennsylvania, by inserting after “line” the following: “and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania”;
(5) in item 29, relating to Blacksburg, Virginia—
(A) by inserting “methods of facilitating public and private participation in” after “demonstrate”; and
(B) by striking “intelligent/vehicle highway systems” and inserting “intelligent transportation systems’’;
(6) in item 35, relating to Alabama, by striking “to bypass” and all that follows through “I–85” and inserting “beginning on United States Route 80 west of Montgomery, Alabama,
and connecting to I-65 south of Montgomery and I-85 east of Montgomery;

(7) in item 49, relating to Suffolk County, New York, by inserting after “perimeters” the following: “and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities”;

(8) in item 52, relating to Pennsylvania, by striking “2” and all that follows through “Pennsylvania” and inserting “or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I-81 or I-80 in northeastern Pennsylvania”;

(9) in item 61, relating to Mojave, California—
(A) by striking “Mojave” and inserting “Victorville”;
(B) by inserting “Mojave” after “reconstruct”; and

(10) in item 68, relating to Portland/S. Portland, Maine—
(A) by striking “Portland/S. Portland,”; and
(B) by inserting after “Bridge” the following: “and improvements to the Carlton Bridge in Bath-Woolworth”;

(11) in item 76, relating to Tennessee—
(A) by inserting “Improved access to” before “I-81”;
(B) by striking “Interchange”; and
(C) by inserting after “Tennessee” the second place it appears the following: “via improvements at I-181/Eastern Star Road and I-81/Kendrick Creek Road”;

(12) in item 100, relating to Arkansas, by striking “Thornton” and inserting “Little Rock”;

(13) in item 113, relating to Durham County, North Carolina, by inserting after “Route 147” the following: “, including the interchange at I-85”;

(14) in item 114, relating to Corpus Christi to Angleton, Texas, by striking “Construct new multi-lane freeway” and inserting “Construct a 4-lane divided highway”;

(15) in item 162, relating to New York, New York, by inserting after “paint” the following: “, $40,000,000, and James A. Farley Post Office, Pennsylvania Station, and associated service buildings: redevelopment, $15,000,000”;

(16) in item 193, relating to Corning, New York, by inserting “and other improvements” after “expressway lanes”; and

(17) in item 196, relating to Orlando, Florida—
(A) by striking “Orlando,”; and
(B) by striking “Land” and all that follows through “project” and inserting “One or more regionally significant, intercity ground transportation projects”.

SEC. 336. CORRECTIONS TO INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item 9, relating to E. Haven/Wallingford, Connecticut—
(A) by striking “for $8.8 million”;
(B) by striking “for $2.4 million”; and
(C) by striking “for $0.7 million”;

(2) in item 12, relating to Buffalo, New York, by inserting after “Project” the following: “and the Crossroads Arena Project”;

(3) in item 31, relating to Los Angeles, California, by striking “To improve ground access from Sepulveda Blvd. to Los Angeles, California” and inserting the following: “For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of
Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000; (4) in item 33, relating to Orange County, New York, strike “Stuart Airport Interchange Project” and insert “Stewart Airport interchange projects”; and (5) in item 38, relating to Provo, Utah, strike “South” and all that follows through “Airport” and insert “East-West Connector from United States Route 89—189.”

SEC. 337. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(c)) is amended—
(1) by striking “Act” each place it appears and inserting “part”;
(2) in paragraph (2)—
(A) by striking subparagraph (B); and
(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and
(3) by adding at the end the following:

“(3) FEDERAL SHARE.—

(A) PRIOR TO FISCAL YEAR 2001.—Prior to October 1, 2000, the Federal share of the cost of a project under this section shall be 50 percent.

(B) FISCAL YEAR 2001 AND THEREAFTER.—For fiscal year 2001 and each fiscal year thereafter, a State shall be eligible to receive moneys under this part for a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in that fiscal year.”.

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (16 U.S.C. 1261(d)(1)) is amended—
(1) by striking “and” at the end of subparagraph (C);
(2) by redesignating subparagraph (D) as subparagraph (E); and
(3) by inserting after subparagraph (C) the following:

“(D) contracting for services with other land management agencies; and”.

(c) ENVIRONMENTAL MITIGATION.—
(1) IN GENERAL.—Section 1302(e) of such Act (16 U.S.C. 1261(e)) is amended—
(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and
(B) by inserting after paragraph (4) the following:

“(5) ENVIRONMENTAL MITIGATION.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

(B) GUIDANCE.—A recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) shall issue guidance to a State for the purposes of implementing subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (16 U.S.C. 1261(e)(4)) is amended by striking “paragraphs (6) and (8)(B)” and inserting “paragraphs (7) and (9)(B)”. 

(d) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9)(B) of such Act, as redesignated by subsection (c)(1)(A), is amended—
(1) by inserting “the State” before “may be exempted”; and
(2) by striking “and expended or committed” and all that follows before the period.

(e) ADVISORY COMMITTEE.—
(1) IN GENERAL.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—
(A) by striking “11 members” and inserting “12 members’’;
(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and
(C) by inserting after paragraph (1) the following:
“(2) 1 member appointed by the Secretary representing individuals with disabilities;”.

(2) CONFORMING AMENDMENT.—Section 1303(c) of such Act (16 U.S.C. 1262(c)) is amended by striking “subsection (b)(2)” and inserting “subsection (b)(3)”.

(f) FUNDING.—Section 104 of title 23, United States Code, is amended—
(1) by redesignating subsection (h) as subsection (j); and
(2) by inserting after subsection (g) the following:
“(h) NATIONAL RECREATIONAL TRAILS FUNDING.—In addition to funds made available from the National Recreational Trails Trust Fund, the Secretary shall obligate, from administrative funds (contract authority) deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.”.

SEC. 338. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2191–2192) is amended by adding at the end the following:
“(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.”.

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—Section 6058 of such Act (23 U.S.C. 307 note; 105 Stat. 2194–2195) is amended—
(1) in subsection (e) by striking “until expended” and inserting “for obligation in accordance with this section”; and
(2) by adding at the end the following:
“(f) OBLIGATION OF FUNDS.—
“(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) on or after the date of the enactment of this subsection and other funds made available on or after that date to carry out specific intelligent transportation systems projects shall be obligated not later than the last day of the fiscal year following the fiscal year for which the funds are made available. Funds made available pursuant to subsections (a) and (b) before such date of enactment shall remain available until expended.
“(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other project with respect to which funds may be made available under subsection (a) or (b).”.

(c) CONFORMING AMENDMENTS.—
(1) FINDINGS.—Section 6009(a)(6) of such Act (23 U.S.C. 307 note; 105 Stat. 2176) is amended by striking “intelligent vehicle highway systems” and inserting “intelligent transportation systems”.

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(2) INTELLIGENT TRANSPORTATION SYSTEMS GENERALLY.—Part B of title VI of such Act (23 U.S.C. 307 note) is amended—
   (A) by striking the part heading and inserting the following:
   
   “PART B—INTELLIGENT TRANSPORTATION SYSTEMS”;
   (B) in section 6051 by striking “Intelligent Vehicle-Highway Systems” and inserting “Intelligent Transportation Systems”;
   (C) by striking “intelligent vehicle-highway systems” each place it appears and inserting “intelligent transportation systems”;
   (D) in section 6054(a)(2)(A) by striking “intelligent vehicle-highway” and inserting “intelligent transportation systems”;
   (E) in the subsection heading for section 6054(b) by striking “Intelligent Vehicle-Highway Systems” and inserting “Intelligent Transportation Systems”;
   (F) in the subsection heading for section 6056(a) by striking “IVHS” and inserting “ITS”; and
   (G) in the subsection heading for each of subsections (a) and (b) of section 6058 by striking “IVHS” and inserting “ITS”; and
   (H) in the paragraph heading for section 6059(1) by striking “IVHS” and inserting “ITS”.

(3) DOT APPROPRIATIONS ACT.—Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1995 (23 U.S.C. 104 note; 108 Stat. 2489–2490) is amended by striking “intelligent vehicle highway systems” and inserting “intelligent transportation systems”.

   (A) by striking “Intelligent Vehicle-Highway Systems” each place it appears and inserting “Intelligent Transportation Systems”; and
   (B) by striking “Intelligent Vehicle-Highway System” and inserting “Intelligent Transportation System”.

(5) UNIVERSITY RESEARCH INSTITUTE.—Section 5316(d) of title 49, United States Code, is amended—
   (A) in the subsection heading by striking “INTELLIGENT VEHICLE-HIGHWAY” and inserting “INTELLIGENT TRANSPORTATION”; and
   (B) by striking “intelligent vehicle-highway” each place it appears and inserting “intelligent transportation”.

SEC. 339. ELIGIBILITY.

(a) PENNSYLVANIA TURNPIKE AND I–95.—
   (1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike, including the structure over the Delaware River.
   (2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.
   (3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95,
including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(b) TYPE II NOISE BARRIERS.—

(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (i) of section 109 of title 23, United States Code, if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to construction of Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(c) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with section 103(b)(6) of title 23, United States Code.

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;
(B) United States Route 16 from Worland to Interstate Route 90; and
(C) Wyoming Route 59 from Douglas to Gillette.

(d) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under such section.

(e) NATIONAL RAILROAD PASSENGER CORPORATION LINE.—The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Daviessville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 103(e)(4), 104(b)(2), and 104(b)(3) of title 23, United States Code.

(f) POCONO NORTHEAST RAILWAY COMPANY LINE.—The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 104(b)(2) and 104(b)(3) of title 23, United States Code.

(g) BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.—Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

(h) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia, Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge to be constructed under
the project, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding section 101(a) of title 23, United States Code, and the requirements of sections 202 and 204 of such title, the highway projects described in section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), section 1 of Public Law 100–211 (101 Stat. 1442), and Public Law 99–647 (100 Stat. 3625) and projects on State Highway 488 within the Great Basin National Park, Nevada, and United States Route 93 from Somers to Whitefish, Montana, shall be eligible for assistance under sections 202 and 204 of such title. Any funds allocated for fiscal year 1996 and thereafter for such projects as a result of enactment of this subsection shall not affect the apportionment adjustments made under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(j) ALAMEDA TRANSPORTATION CORRIDOR, CALIFORNIA.—Funds apportioned to the State of California under section 104(b)(1) of title 23, United States Code, for the National Highway System may be obligated for construction of, and operational improvements for, grade separation projects for the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate Route 10, Los Angeles, California. The Federal share of the costs of such projects shall be determined in accordance with section 120(b) of such title.

SEC. 340. MISCELLANEOUS CORRECTIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) 34TH STREET CORRIDOR PROJECT IN MOORHEAD, MINNESOTA.—Section 149(a)(5)(A) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), relating to Minnesota, is amended—

(1) by striking “and” at the end of clause (i); and

(2) by inserting “and (iii) a safety overpass,” after “interchange.”.

(b) CALIFORNIA.—Section 149(a)(69) of such Act (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) by striking “highway”;

(2) by striking “and construction of terminal and parking facilities at such airport”; and

(3) by striking “by making” and all that follows through the period at the end of the second sentence and inserting the following: “by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.”.

(c) PENNSYLVANIA.—Section 149(a)(74) of such Act (101 Stat. 192) is amended—

(1) by striking “CHAMBERSBURG, PENNSYLVANIA” in the paragraph heading and inserting “PENNSYLVANIA”; and

(2) by inserting before the period at the end the following: “and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania”.

(d) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—Section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194) is amended—

(A) by striking “WEST CALCASIEU PARISH, LOUISIANA” and inserting “LOUISIANA”; and

(B) by inserting before the period at the end the following: “and construction of roads and a bridge to provide
access to the Rose Bluff industrial area, Lake Charles, Louisiana".

(2) I–10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194) is amended—
(A) by inserting “AND LAKE CHARLES” after “LAFAYETTE” in the paragraph heading; and
(B) by inserting before the period at the end the following: “and, of amounts made available to carry out this paragraph, may use up to $456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, $1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route 10 to Ryan Street in Lake Charles, Louisiana, and $269,661 to carry out projects described in paragraph (90)’’.

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 194) is amended—
(A) by inserting “AND LAKE CHARLES” after “LAFAYETTE” in the paragraph heading; and
(B) by inserting before the period at the end “and a project to construct the Contraband Bridge portion of the Nelson Access Road Project”.

(e) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—
(1) by striking “UNITED STATES ROUTE 48” in the paragraph heading and inserting “WASHINGTON AND FREDERICK COUNTIES”;
and
(2) by inserting “and to construct an interchange between Interstate Route 70 and Interstate Route 270 in Frederick County, Maryland” after “Mountain Road”.

(f) NORTH DAKOTA.—Of funds remaining available for obligation under sections 149(a)(111)(C), 149(a)(111)(E), 149(a)(111)(I), 149(a)(111)(K), 149(a)(111)(L), 149(a)(111)(M), and 149(a)(112) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $217,440 shall be made available for the repair of County Road 8 west of Lawton, Ramsey County, North Dakota. The remainder of such funds shall be made available to the North Dakota department of transportation for flood prevention and repair activities on North Dakota county roads on a Federal-aid system that are threatened by flooding (as determined by the North Dakota department of transportation).

SEC. 341. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.

(1) in subclause (I) by striking “7 years after the date of the enactment of this Act” and inserting “3 years after the date of issuance of final regulations under clause (ii)”;
and
(2) in subclause (II) by striking “6 years after such date of enactment” and inserting “2 years after the date of issuance of such final regulations”.

SEC. 342. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

(a) MASS TRANSIT TESTING.—Section 5331(b) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

“(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random,
and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol."

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

“(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and"

(c) MOTOR CARRIER TESTING.—Section 31306(b) of such title is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

“(B) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol."

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—Section 45102(a) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

“(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol."

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b) of title 49, United States Code, is amended by striking the subsection designation and
all that follows through paragraph (1) and inserting the following:

“(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random, and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.”.

SEC. 343. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking “and $2,550,000 for fiscal year 1995” and inserting “and $2,550,000 for each of fiscal years 1995 and 1996”.

SEC. 344. COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—
(1) by inserting “(1) IN GENERAL.—“ before “After”;
(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving that paragraph 2 ems to the right; and
(3) by adding at the end the following:

“(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the `program’) to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

“(i) if the applicant has a satisfactory safety rating issued by the Secretary or meets criteria established by the Secretary pursuant to subparagraph (J) instead of such rating; and

“(ii) if the applicant and the Secretary enter into an agreement that provides that the applicant while participating in the program—

“(I) shall operate safely;

“(II) shall provide the Secretary with accident and nonconfidential insurance-related information relevant to the safety performance of the applicant and vehicles and drivers of the applicant subject to the program;

“(III) shall use in the program only drivers with good safety records in the preceding 36 months and who maintain such good safety records while in the program; and

“(IV) shall implement such safety management controls as the Secretary (in cooperation with the applicant) determines are necessary to carry out the objectives of this subsection.

“(B) SAFETY MANAGEMENT CONTROLS.—Safety management controls implemented by participants in the program shall be designed to achieve a level of operational safety
equal to or greater than that resulting from compliance with the regulations prescribed under this section and sections 504 and 31502.

"(C) PAPERWORK BURDEN TO BE MINIMIZED.—The Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the requirements of the program.

"(D) ENCOURAGEMENT OF ADVANCED TECHNOLOGY.—The Secretary shall encourage participants in the program to use such advanced technologies as may be necessary to ensure compliance with the requirements of the program.

"(E) APPROVAL FACTORS.—In approving applicants for participation in the program, the Secretary shall—

"(i) ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles; and

"(ii) ensure participation by qualified applicants, except to the extent limited by resources of the Secretary that are necessary to permit effective monitoring under subparagraph (G).

"(F) MODIFICATIONS TO REFLECT CHANGES IN REGULATIONS.—If there is a material change in the regulations prescribed under this section or section 504 or 31502, the Secretary shall require each participant in the program to modify the safety management controls applicable to such participant, and the agreement provided for in subparagraph (A)(ii), to the extent necessary to reflect the material change.

"(G) MONITORING.—The Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program.

"(H) TERMINATION OF PARTICIPATION.—A participant shall participate in the program until—

"(i) the Secretary finds that—

"(I) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles;

"(II) the participant has failed to comply with the requirements established by the Secretary for participation in the program (including applicable safety management controls); or

"(III) continued participation in the program is not in the public interest; or

"(ii) the participant voluntarily withdraws from the program.

"(I) EMERGENCIES.—The Secretary may suspend or modify participation in the program in case of emergency.

"(J) GUIDELINES.—

"(i) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

"(ii) LIMITATION.—Notwithstanding clause (i), the program shall take effect on or before the 270th day following the date of the enactment of this paragraph. If the rulemaking described in clause (i) is not completed on or before such 270th day, the Secretary shall
issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

“(K) ELIGIBLE VEHICLES.—For purposes of this subsection, the term ‘eligible vehicle’ means a commercial motor vehicle with a gross vehicle weight rating of at least 10,001 pounds, but not more than 26,000 pounds, other than a vehicle—

“(i) designed to transport more than 15 passengers, including the driver; or

“(ii) used in transporting material found by the Secretary to be hazardous under section 5103 and transported in a quantity requiring placarding under the regulations issued under such section.

“(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall, after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.”.

SEC. 345. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive
hours for the purposes of determining maximum driving and on-duty time.

(5) **Snow and Ice Removal.**—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(b) **Preemption.**—Nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

(c) **Review by the Secretary.**—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (2)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

(d) **Report.**—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

(e) **Definitions.**—In this section, the following definitions apply:

(1) **7 or 8 Consecutive Days.**—The term “7 or 8 consecutive days” means the period of 7 or 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) **24-Hour Period.**—The term “24-hour period” means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) **Ground Water Well Drilling Rig.**—The term “ground water well drilling rig” means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) **Transportation of Construction Materials and Equipment.**—The term “transportation of construction materials and equipment” means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title
49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

(5) Eligible unit of local government.—The term “eligible unit of local government” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

(6) Utility service vehicle.—The term “utility service vehicle” means any commercial motor vehicle—

(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility’s subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

(f) Effective date.—Subsection (a) of this section shall take effect on the 180th day following the date of the enactment of this Act; except that paragraphs (1) and (2) of subsection (a) shall take effect on such date of enactment.

SEC. 346. WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.

(a) In general.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

(b) Approval criteria.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State’s application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

(4) the State will monitor the safety of home heating oil deliveries while participating in the program;
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(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

(c) Participation in Program.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State's continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State's participation in the program for periods of up to 30 additional days during such heating season.

(d) Suspension from Program.—The Secretary may suspend a State's participation in the program at any time if the Secretary finds—

(1) that the State has not complied with any of the criteria for participation in the program under this section;

(2) that a State's participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

(3) the existence of an emergency.

(e) Review by Secretary.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

(f) Definition.—In this section, the term “7 or 8 consecutive days” has the meaning such term has under section 345 of this Act.

SEC. 347. SAFETY REPORT.

Not later than September 30, 1997, the Secretary, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to Congress a study of—

(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

(2) the benefits associated with the repeal of the national maximum speed limit.

SEC. 348. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) In General.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the “Administrator”) shall not require adoption or implementation by a State of a test-only I/M240 enhanced vehicle inspection and
maintenance program as a means of compliance with section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance with such section.

(b) Limitation on Plan Disapproval.—The Administrator shall not disapprove or apply an automatic discount to a State implementation plan revision under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a) on the basis of a policy, regulation, or guidance providing for a discount of emissions credits because the inspection and maintenance program in such plan revision is decentralized or a test-and-repair program.

(c) Emissions Reduction Credits.—

(1) State plan revision; approval.—Within 120 days of the date of the enactment of this subsection, a State may submit an implementation plan revision proposing an interim inspection and maintenance program under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a). The Administrator shall approve the program based on the full amount of credits proposed by the State for each element of the program if the proposed credits reflect good faith estimates by the State and the revision is otherwise in compliance with such Act.

If, within such 120-day period, the State submits to the Administrator proposed revisions to the implementation plan, has all of the statutory authority necessary to implement the revisions, and has proposed a regulation to make the revisions, the Administrator may approve the revisions without regard to whether or not such regulation has been issued as a final regulation by the State.

(2) Expiration of interim approval.—The interim approval shall expire on the earlier of (A) the last day of the 18-month period beginning on the date of the interim approval, or (B) the date of final approval. The interim approval may not be extended.

(3) Final approval.—The Administrator shall grant final approval of the revision based on the credits proposed by the State during or after the period of interim approval if data collected on the operation of the State program demonstrates that the credits are appropriate and the revision is otherwise in compliance with the Clean Air Act.

(4) Basis of approval; no automatic discount.—Any determination with respect to interim or full approval shall be based on the elements of the program and shall not apply any automatic discount because the program is decentralized or a test-and-repair program.

SEC. 349. ROADS ON FEDERAL LANDS.

(a) Moratorium.—

(1) In general.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932), as such section was in effect before October 21, 1976.

(2) Sunset.—This subsection shall not be effective after September 30, 1996.

(b) Requirement of Transfer of County Road Corridors.—

(1) Definitions.—In this subsection, the following definitions apply:

(A) County road corridor.—The term "county road corridor" means a corridor that is comprised of—

(i) a Shenandoah county road; and

(ii) land contiguous to the road that is selected by the Secretary of the Interior, in consultation with the Governor of the State of Virginia, such that the width of the corridor is 50 feet.
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(B) Shenandoah County Road.—The term “Shenandoah county road” means the portion of any of the following roads that is located in the Shenandoah National Park and that has been in general use as a public roadway prior to the date of the enactment of this Act:

(i) Madison County Route 600.
(ii) Rockingham County Route 624.
(iii) Rockingham County Route 625.
(iv) Rockingham County Route 626.
(v) Warren County Route 604.
(vi) Page County Route 759.
(vii) Page County Route 611.
(viii) Page County Route 682.
(ix) Page County Route 662.
(x) Augusta County Route 611.
(xi) Augusta County Route 619.
(xii) Albemarle County Route 614.
(xiii) Augusta County Route 661.
(xiv) Rockingham County Route 663.
(xv) Rockingham County Route 659.
(xvi) Page County Route 669.
(xvii) Rockingham County Route 661.
(xviii) Criser Road (to the town of Front Royal).
(xix) The Government-owned parcel connecting Criser Road to the Warren County School Board parcel.

(2) Purpose.—The purpose of this subsection is to permit the State of Virginia to maintain and provide for safe public use of certain roads that the State donated to the United States at the time of the establishment of Shenandoah National Park.

(3) Transfer.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the State of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to each county road corridor.

(4) Reversion.—A transfer under paragraph (3) shall be subject to the condition that if at any time a county road corridor is withdrawn from general use as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

SEC. 350. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

(a) In General.—

(1) Cooperative Agreements.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with not to exceed 10 States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(2) Interstate Compacts.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, to enter into an interstate compact establishing such bank in accordance with this section.

(b) Funding.—

(1) Separate Accounts.—An infrastructure bank established under this section shall maintain a separate highway account for Federal funds contributed to the bank under paragraph (2) and a separate transit account for Federal funds contributed to the bank under paragraph (3). No Federal funds contributed or credited to an account of an infrastructure bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.
(2) **HIGHWAY ACCOUNT.**—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section to contribute not to exceed—

(A) 10 percent of the funds apportioned to the State for each of fiscal years 1996 and 1997 under each of sections 104(b)(1), 104(b)(3), 104(b)(5)(B), 144, and 160 of title 23, United States Code, and section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(B) 10 percent of the funds allocated to the State for each of such fiscal years under each of section 157 of such title and section 1013(c) of such Act;

into the highway account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the highway account of the infrastructure bank.

(3) **TRANSIT ACCOUNT.**—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section, and any other Federal transit grant recipient, to contribute not to exceed 10 percent of the funds made available to the State or other Federal transit grant recipient in each of fiscal years 1996 and 1997 for capital projects under sections 5307, 5309, and 5311 of title 49, United States Code, into the transit account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the transit account of the infrastructure bank.

(4) **SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.**—Funds that are apportioned or allocated to a State under section 104(b)(3) or 160 of title 23, United States Code, or under section 1013(c) or 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

(c) **FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.**—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section may not be made in the form of a grant.

(d) **QUALIFYING PROJECTS.**—Federal funds in the highway account of an infrastructure bank established under this section may be used only to provide assistance with respect to construction of Federal-aid highways. Federal funds in the transit account of such bank may be used only to provide assistance with respect to capital projects.

(e) **INFRASTRUCTURE BANK REQUIREMENTS.**—In order to establish an infrastructure bank under this section, each State establishing the bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank; except that if the contribution is into the highway account of the bank and the State has a lower non-Federal share under section 120(b) of title 23,
United States Code, such percentage shall be adjusted by the Secretary to correspond with such lower non-Federal share;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) provide that the repayment of a loan or other assistance from an account of the bank under this section shall be consistent with the repayment provisions of section 129(a)(7) of title 23, United States Code, except to the extent the Secretary determines that such provisions are not consistent with this section;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(7) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan under paragraph (6); and

(8) require the bank to make an annual report to the Secretary on its status no later than September 30, 1996, and September 30, 1997, and to make such other reports as the Secretary may require by guidelines.

(f) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited towards the non-Federal share of the cost of any project.

(g) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

(1) ensure that Federal disbursements shall be at a rate consistent with historic rates for the Federal-aid highway program and the Federal transit program, respectively;

(2) issue guidelines to ensure that all requirements of title 23, United States Code, or title 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with such funds apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section; and

(B) projects assisted by the bank through the use of such funds;

except to the extent that the Secretary determines that any requirement of such title is not consistent with the objectives of this section; and

(3) specify procedures and guidelines for establishing, operating, and providing assistance from the bank.

(h) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt

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financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(i) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

(j) PROGRAM ADMINISTRATION.—For each of fiscal years 1996 and 1997, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

(k) SECRETARIAL REVIEW.—The Secretary shall review the financial condition of each infrastructure bank established under this section and transmit to Congress a report on the results of such review not later than March 1, 1997. In addition, the report shall contain—

(1) an evaluation of the pilot program conducted under this section and the ability of such program to increase public investment and attract non-Federal capital; and
(2) recommendations of the Secretary as to whether the program should be expanded or made a part of the Federal-aid highway and transit programs.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT.—The term “capital project” has the meaning such term has under section 5302 of title 49, United States Code.
(2) CONSTRUCTION; FEDERAL-AID HIGHWAY.—The terms “construction” and “Federal-aid highway” have the meanings such terms have under section 101 of title 23, United States Code.
(3) OTHER ASSISTANCE.—The term “other assistance” includes any use of funds in an infrastructure bank—
(A) to provide credit enhancements;
(B) to serve as a capital reserve for bond or debt instrument financing;
(C) to subsidize interest rates;
(D) to ensure the issuance of letters of credit and credit instruments;
(E) to finance purchase and lease agreements with respect to transit projects;
(F) to provide bond or debt financing instrument security; and
(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

(4) STATE.—The term “State” has the meaning such term has under section 101 of title 23, United States Code.

SEC. 351. RAILROAD-HIGHWAY GRADE CROSSING SAFETY.

(a) INTELLIGENT TRANSPORTATION SYSTEMS.—In implementing the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189–2195), the Secretary shall ensure that the national intelligent transportation systems program addresses, in a comprehensive and coordinated manner, the use of intelligent transportation technologies to promote safety at railroad-highway grade crossings. The Secretary shall ensure that 2 or more operational tests funded under such Act are designed to promote highway traffic safety and railroad safety.

(b) SAFETY ENFORCEMENT.—

(1) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration and the Office of Motor Carriers within the Federal Highway Administration shall cooperate and work, on a continuing basis, with the National Association of Governors’ Highway Safety Rep-
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Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(2) Report.—Not later than June 1, 1998, the Secretary shall submit to Congress a report indicating—

(A) how the Department of Transportation worked with the entities referred to in paragraph (1) to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings; and

(B) how resources are being allocated to better address these challenges and enforce such regulations.

(c) Federal-State Partnership.—

(1) Statement of policy.—

(A) Hazards to safety.—Certain railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(i) to promote grade crossing safety and reduce risk at high risk railroad-highway grade crossings; and

(ii) to reduce the number of grade crossings while maintaining the reasonable mobility of the American people and their property, including emergency access.

(B) Effective programs.—Effective programs to reduce the number of unneeded and unsafe railroad-highway grade crossings require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(C) Highway planning.—Promotion of a balanced national transportation system requires that highway planning specifically take into consideration grade crossing safety.

(2) Partnership and oversight.—The Secretary shall encourage each State to make progress toward achievement of the purposes of this subsection.

SEC. 352. Collection of Bridge Tolls.

Notwithstanding any other provision of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 353. Traffic Control.

(a) Signs.—Traffic control signs referred to in the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B–4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

(b) Stripes.—Notwithstanding any other provision of law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B–1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 354. Public Use of Rest Areas.

Notwithstanding section 111 of title 23, United States Code, or any project agreement under such section, the Secretary shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to enter and exit any such testing facility directly from Interstate Route 95.
SEC. 355. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.

(a) IN GENERAL.—For purposes of this section and section 153 of title 23, United States Code, the States of New Hampshire and Maine shall each be treated as having in effect a State law described in subsection (a)(2) of such section and as having achieved a rate of compliance with the State law required by subsections (f)(2) and (f)(3) of such section upon certification by the Secretary that the State has achieved—

(1) a safety belt use rate in each of fiscal years 1995 and 1996 of not less than 50 percent; and

(2) a safety belt use rate in each fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—Subsection (a) shall take effect September 30, 1995.

(2) TREATMENT OF CONTINUANCE OF SAFETY BELT USE LAW.—If the State of New Hampshire or Maine continues in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, within 60 days after the date of the enactment of this section, the State shall be treated, for purposes of this section and such section, as having in effect a State law described in such subsection on September 30, 1995.

(c) RESERVATION OF APPORTIONMENT PENDING CERTIFICATION.—If, at any time in a fiscal year beginning after September 30, 1994, the State of New Hampshire or Maine does not have in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, the Secretary shall reserve 3 percent of the funds to be apportioned to the State for the succeeding fiscal year, under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of such title, if the Secretary has not certified, in accordance with subsection (a) of this section, that the State has achieved the applicable safety belt use rate.

(d) EFFECT ON NONCERTIFICATION.—If, at the end of the fiscal year in which the funds are reserved under subsection (c), the Secretary has not certified, in accordance with subsection (a), that the State of New Hampshire or Maine achieved the applicable safety belt use rate, the Secretary shall transfer the funds reserved from the State under subsection (c) to the apportionment of the State under section 402 of title 23, United States Code.

SEC. 356. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

(a) MODIFICATION OF AGREEMENT.—The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1552) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (108 Stat. 2495).

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change the amount of the appropriation made by section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1552), and the line of credit provided for shall not exceed an amount supported by such appropriation.

(c) HIGHER INTEREST RATE.—In implementing sections 336 and 339 referred to in subsection (a), the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

SEC. 357. COMPILATION OF TITLE 23, UNITED STATES CODE.

(a) LEGISLATIVE PROPOSAL.—The Secretary shall, by March 31, 1997, prepare and submit to Congress a draft legislative proposal
SEC. 358. SAFETY RESEARCH INITIATIVES.

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities that incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall conduct the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) WORK ZONE SAFETY.—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note; 105 Stat. 2001), the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conducting conferences to explore new techniques and stimulate dialogue for improving work zone safety.

(2) Establishing a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) Conducting a national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(4) Encouraging the use of enforceable speed limits in work zones.

(5) Developing training programs for work site designers and construction workers to promote safe work zone practices.

(6) Encouraging the use of unit price bid items in contracts for traffic control devices and implementation of traffic control plans.

(c) RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) SAFETY APPLICATIONS.—In conducting the study, the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

(d) EFFECTIVENESS OF DRUNK DRIVING LAWS.—The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving and appropriateness of laws enacted in the States...
which allow a health care provider who treats an individual involved
in a vehicular accident to report the blood alcohol level, if known,
of such individual to the local law enforcement agency which has
jurisdiction over the accident site if the blood alcohol concentration
level exceeds the maximum level permitted under State law.

SEC. 359. MISCELLANEOUS STUDIES.

23 USC 309 note. (a) PAN AMERICAN HIGHWAY.—
(1) STUDY.—The Secretary shall conduct a study on the
adequacy of and the need for improvements to the Pan Amer-
ican Highway.
(2) ELEMENTS.—The study shall include, at a minimum,
the following elements:
(A) Findings on the benefits of constructing a highway
at Darien Gap, Panama and Colombia.
(B) Recommendations for a self-financing arrangement
for completion and maintenance of the Pan American
Highway.
(C) Recommendations for establishing a Pan American
highway authority to monitor financing, construction,
maintenance, and operations of the Pan American
Highway.
(D) Findings on the benefits to trade and prosperity
of a more efficient Pan American Highway.
(E) Findings on the benefits to United States industry
resulting from the use of United States technology and
equipment in construction of improvements to the Pan
American Highway.
(F) Findings on environmental considerations, includ-
ing environmental considerations relating to Darien Gap.
(3) REPORT.—Not later than 2 years after the date of the
enactment of this Act, the Secretary shall transmit to Congress
a report on the results of the study.

23 USC 109 note. (b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—
(1) STUDY.—The Secretary shall conduct a study to deter-
mine the cost, need, and efficacy of establishing a highway
sign for identifying routes on the National Highway System.
In conducting the study, the Secretary shall make a determina-
tion concerning whether to identify National Highway System
route numbers.
(2) REPORT.—Not later than March 1, 1997, the Secretary
shall transmit to Congress a report on the results of the study.

23 USC 101 note. (c) COMPLIANCE WITH BUY AMERICAN ACT.—
(1) STUDY.—The Secretary shall conduct a study on compli-
ance with the Buy American Act (41 U.S.C. 10a–10c) with
respect to contracts entered into using amounts made available
from the Highway Trust Fund.
(2) REPORT.—Not later than 1 year after the date of the
enactment of this Act, the Secretary shall transmit to Congress
a report on the results of the study.

(d) MAGNETIC LEVITATION.—
(1) STUDY.—The Secretary shall conduct a study evaluating
the near-term applications of magnetic levitation ground
transportation technology in the United States, with particular
emphasis in identifying projects which would warrant imme-
diate application of such technology. The study shall also evalu-
ate the use of innovative financial techniques for the construc-
ton and operation of such projects.
(2) ELEMENTS.—The study shall be undertaken in consulta-
tion with a committee of 8 persons chosen by the Secretary
with appropriate backgrounds in magnetic levitation transpor-
tation, design and construction, public and private finance,
and infrastructure policy disciplines. The chairperson of the
committee shall be elected by the members.
(3) REPORT.—Not later than September 30, 1996, the Secretary shall transmit to the President and Congress a report on the results of the study.

TITe IV—WOODROW WILSON MEMORIAL BRIDGE

SEC. 401. SHORT TITLE.
This title may be cited as the "Woodrow Wilson Memorial Bridge Authority Act of 1995".

SEC. 402. FINDINGS.

Congress finds that—
(1) traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated $1,000 per year;
(2) the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020;
(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;
(4) the Bridge serves as a vital link in the Interstate System and in the Northeast corridor;
(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;
(6) the Bridge is—
(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;
(B) the only segment of the Capital Beltway with only 6 lanes; and
(C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;
(7) the Bridge is the only part of the Interstate System owned by the Federal Government;
(8)(A) the Bridge was constructed by the Federal Government;
(B) prior to the date of the enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and
(C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;
(9) the Woodrow Wilson Memorial Bridge Coordination Committee is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;
(10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;
(11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and
(12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.
SEC. 403. PURPOSES.
The purposes of this title are—
(1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish by interstate agreement or compact the Woodrow Wilson Memorial Bridge Authority;
(2) to authorize the transfer of ownership of the Woodrow Wilson Memorial Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River; and
(3) to direct the Secretary to continue working with the parties that comprise the Woodrow Wilson Memorial Bridge Coordination Committee to complete all planning, preliminary engineering and design, environmental studies and documentation, and final engineering, and to submit a proposed agreement to Congress by October 1, 1996, that specifies the selected alternative, implementation schedule, and costs of the Project and the Federal share of the costs of the activities to be carried out as part of the Project.

SEC. 404. DEFINITIONS.
In this title, the following definitions apply:
(1) AUTHORITY.—The term “Authority” means the Woodrow Wilson Memorial Bridge Authority established under section 405.
(2) BOARD.—The term “Board” means the board of directors of the Authority established under section 406.
(3) BRIDGE.—The term “Bridge” means the Woodrow Wilson Memorial Bridge across the Potomac River, including approaches thereto.
(4) CAPITAL REGION JURISDICTION.—The term “Capital Region jurisdiction” means—
(A) the Commonwealth of Virginia;
(B) the State of Maryland; and
(C) the District of Columbia.
(5) PROJECT.—The term “Project” means the upgrading of the Interstate Route 95 Potomac River crossing, consistent with the selected alternative to be determined under section 407. Such term shall include ongoing short-term rehabilitation and repairs to the Bridge and may include 1 or more of the following:
(A) Construction of a new bridge or bridges in the vicinity of the Bridge.
(B) Construction of a tunnel in the vicinity of the Bridge.
(C) Long-term rehabilitation or reconstruction of the Bridge.
(D) Work necessary to provide rights-of-way for a rail or bus transit facility or bus or high occupancy vehicle lanes in connection with an activity described in subparagraph (A), (B), or (C).
(E) Work on Interstate Route 95 approaching the Bridge and other approach roadways if necessitated by an activity described in subparagraph (A), (B), or (C).
(F) Construction or acquisition of any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility that is necessary or desirable in connection with or incidental to a facility described in subparagraph (A), (B), or (C).
(6) SIGNATORY.—The term “Signatory” means any political jurisdiction that enters into the interstate agreement or compact that establishes the Authority.
(7) **Woodrow Wilson Memorial Bridge Coordination Committee.**—The term "Woodrow Wilson Memorial Bridge Coordination Committee" means the Woodrow Wilson Memorial Bridge Coordination Committee established and chaired by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments.

**SEC. 405. ESTABLISHMENT OF AUTHORITY.**

(a) **Consent to Interstate Agreement.**—Congress grants consent to the Capital Region jurisdictions to enter into an interstate agreement or compact to establish the Authority and to designate the governance, powers, and duties of the Authority. The Authority shall be a non-Federal entity designated by the interstate agreement or compact.

(b) **Establishment of Authority.**—

(1) **In General.**—Upon execution of the interstate agreement or compact described in subsection (a) and an agreement between the Secretary and the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to the Authority as provided in section 407(c), the Authority shall be considered to be established for purposes of subsection (c).

(2) **General Powers.**—The Authority shall be a body corporate and politic, and an instrumentality of each of the Capital Region jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

(c) **Purposes of Authority.**—The Authority shall be established—

(1) to assume ownership of the Bridge; and

(2) to undertake the Project.

**SEC. 406. GOVERNMENT OF AUTHORITY.**

(a) **In General.**—The Authority shall be governed in accordance with this section and with the terms of any interstate agreement or compact relating to the Authority that is consistent with this title.

(b) **Board.**—The Authority shall be governed by a board of directors consisting of not more than 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) **Qualifications.**—At least 2 members of the Board shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the Project crossing.

(d) **Failure To Appoint.**—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board shall not impair the establishment of the Authority if the condition of the establishment described in section 405(b)(1) has been met.

(e) **Personal Liability of Members.**—A member of the Board, including any nonvoting member, shall not be personally liable for—

(1) any action taken in his or her capacity as a member of the Board; or

(2) any note, bond, or other financial obligation of the Authority.

(f) **Residency Requirement.**—Each member of the Board shall reside within a Capital Region jurisdiction.

**SEC. 407. OWNERSHIP OF BRIDGE.**

(a) **Conveyance by Secretary.**—

(1) **In General.**—After execution of the agreement under subsection (c), the Secretary shall convey to the Authority all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests
in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.

(2) **INTERIM RESPONSIBILITIES.**—Until such time as the Project is constructed and operational, the conveyance under paragraph (1) shall not—

(A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or

(B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.

(b) **TRANSFERS OF JURISDICTION.**—For the purpose of making the conveyance under subsection (a), the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over land under or adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

(c) **AGREEMENT.**—

(1) **IN GENERAL.**—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed in accordance with this subsection.

(2) **SUBMISSION TO CONGRESS.**—Not later than October 1, 1996, the Secretary shall submit to Congress a proposed agreement between the Secretary and the Signatories that specifies—

(A) the selected alternative, implementation schedule, and costs of the Project;

(B) the Federal share of the costs of the activities to be carried out as part of the Project, including, at a minimum, a 100 percent Federal share of—

(i) the cost of the continuing rehabilitation of the Bridge until such time as the Project is constructed and operational;

(ii) an amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the Bridge with a comparable modern bridge designed according to current engineering standards; and

(iii) the cost of planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project; and

(C) the Federal share of the cost of activities to be carried out as part of the project after September 30, 1997, will be reduced by amounts expended by the United States for activities (other than environmental studies and documentation) described in subparagraph (B)(iii) in fiscal years 1996 and 1997.

(3) **APPROVAL AND EXECUTION OF AGREEMENT.**—After the enactment of a Federal law approving an agreement described in paragraph (2), the Secretary may execute the agreement.

**SEC. 408. PROJECT PLANNING.**

The Secretary shall work with the Woodrow Wilson Memorial Bridge Coordination Committee, or with the Authority consistent with the purpose of the Authority, to complete, at the earliest possible date, planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws.
In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

(1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;
(2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;
(3) subject to section 407(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the facilities of the Project;
(4) to employ, in the discretion of the Authority, such personnel and agents as may be necessary to carry out the purposes of the Authority (including consulting engineers, attorneys, accountants, construction and financial experts, superintendents, and managers) and to fix the compensation and benefits of the employees and agents, except that—
   (A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and
   (B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;
(5) to acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange;
(6) to exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Signatories, in the exercise of the powers and the performance of the duties of the Authority;
(7) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;
(8) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue long-term or short-term bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—
   (A) shall not constitute a debt of the United States (or any political subdivision of the United States), or a general obligation of a Capital Region jurisdiction (or any political subdivision of a Capital Region jurisdiction), unless consented to by the jurisdiction or political subdivision; and
   (B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River constructed as part of the Project, or by other revenues in the discretion of the Authority;
(9) to fix, revise, charge, and collect any reasonable toll or other charge;
(10) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;
(11) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(12) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River constructed as part of the Project; or

(B) fostering development of a new transportation technology;

(13) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;

(14) to adopt an official seal and alter the seal, as the Board considers appropriate;

(15) to appoint 1 or more advisory committees;

(16) to sue and be sued in the name of the Authority;

(17) to carry out or contract with other entities to carry out such maintenance of traffic activities during construction of the Project as is considered necessary by the Authority to properly manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

(18) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

SEC. 410. FUNDING.

Section 104 of title 23, United States Code, as amended by section 337(f) of this Act, is amended by inserting before subsection (j), as redesignated by such section 337(f), the following:

"(i) WOODROW WILSON MEMORIAL BRIDGE.—

"(1) EXPENDITURE.—From any available administrative funds deducted under subsection (a), the Secretary shall obligate such sums as are necessary for each of fiscal years 1996 and 1997 for rehabilitation of the Woodrow Wilson Memorial Bridge and for environmental studies and documentation, planning, preliminary engineering and design, and final engineering for a new crossing of the Potomac River as part of the Project, as defined by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) FEDERAL SHARE.—The Federal share of the cost of any project funded with amounts expended under paragraph (1) shall be 100 percent."
SEC. 411. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 104(i) of title 23, United States Code, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2009 and 2028) shall continue to be available after the conveyance under section 407(a) of the Bridge, in accordance with the terms under which the funds were made available under such sections 1069(i) and 1103(b).

Approved November 28, 1995.

LEGISLATIVE HISTORY—S. 440 (H.R. 2274):
HOUSE REPORTS: Nos. 104–246 accompanying H.R. 2274 (Comm. on Transportation and Infrastructure) and 104–345 (Comm. of Conference).
SENATE REPORTS: No. 104–86 (Comm. on Environment and Public Works).
June 16, 19–22, considered and passed Senate.
Sept. 20, H.R. 2274 considered and passed House; S. 440, amended, passed in lieu.
Nov. 17, Senate agreed to conference report.
Nov. 18, House agreed to conference report.
Nov. 28, Presidential statement.
PUBLIC LAW 104–88—DEC. 29, 1995

TRANSPORTATION ACTS

Public Law 104–88
104th Congress

An Act

To abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “ICC Termination Act of 1995”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—ABOLITION OF INTERSTATE COMMERCE COMMISSION

Sec. 101. Abolition.
Sec. 102. Rail provisions.
Sec. 103. Motor carrier, water carrier, and freight forwarder provisions.
Sec. 104. Miscellaneous motor carrier provisions.
Sec. 105. Creditability of annual leave for purposes of meeting minimum eligibility requirements for an immediate annuity.
Sec. 106. Pipeline carrier provisions.

TITLE II—SURFACE TRANSPORTATION BOARD

Sec. 201. Title 49 amendment.
Sec. 203. Transfer of assets and personnel.
Sec. 204. Saving provisions.
Sec. 205. References.

TITLE III—CONFORMING AMENDMENTS

Subtitle A—Amendments to United States Code

Sec. 301. Title 5 amendments.
Sec. 302. Title 11 amendments.
Sec. 303. Title 18 amendments.
Sec. 304. Internal Revenue Code of 1986 amendments.
Sec. 305. Title 28 amendments.
Sec. 306. Title 31 amendments.
Sec. 307. Title 39 amendments.
Sec. 308. Title 49 amendments.

Subtitle B—Other Amendments

Sec. 311. Agricultural Adjustment Act of 1938 amendments.
Sec. 312. Animal Welfare Act amendment.
Sec. 314. Fair Credit Reporting Act amendment.
Sec. 315. Equal Credit Opportunity Act amendment.
Sec. 316. Fair Debt Collection Practices Act amendment.
Sec. 317. National Trails System Act amendments.
Sec. 318. Clayton Act amendments.
Sec. 322. Railway Labor Act amendments.
Sec. 324. Railroad Unemployment Insurance Act amendments.
Sec. 325. Emergency Rail Services Act of 1970 amendments.
Sec. 327. Regional Rail Reorganization Act of 1973 amendments.
Sec. 328. Milwaukee Railroad Restructuring Act amendment.
Sec. 329. Rock Island Railroad Transition and Employee Assistance Act amendments.
Sec. 332. Conrail Privatization Act amendment.
PUBLIC LAW 104–88—DEC. 29, 1995

TRANSPORTATION ACTS

Sec. 333. Migrant and Seasonal Agricultural Worker Protection Act amendments.
Sec. 335. Termination of certain maritime authority.
Sec. 337. Labor Management Relations Act, 1947 amendment.
Sec. 338. Inlands Waterway Revenue Act of 1978 amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Certain commercial space launch activities.
Sec. 402. Destruction of motor vehicles or motor vehicle facilities; wrecking trains.
Sec. 403. Violation of grade-crossing laws and regulations.
Sec. 404. Miscellaneous title 23 amendments.
Sec. 405. Technical amendments.
Sec. 406. Fiber drum packaging.
Sec. 407. Noncontiguous domestic trade study.
Sec. 408. Federal Highway Administration rulemaking.

SEC. 2. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on January 1, 1996.

TITLE I—ABOLITION OF INTERSTATE COMMERCE COMMISSION

SEC. 101. ABOLITION.

The Interstate Commerce Commission is abolished.

SEC. 102. RAIL PROVISIONS.

(a) AMENDMENT.—Subtitle IV of title 49, United States Code, is amended to read as follows:

"SUBTITLE IV—INTERSTATE TRANSPORTATION"

*PART A—RAIL*

"Chapter Sec.
101. GENERAL PROVISIONS 10101
105. JURISDICTION 10501
107. RATES 10701
109. LICENSING 10901
111. OPERATIONS 11101
113. FINANCE 11301
115. FEDERAL-STATE RELATIONS 11501
117. ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES 11701
119. CIVIL AND CRIMINAL PENALTIES 11901

*PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS*

"Chapter Sec.
131. GENERAL PROVISIONS 13101
133. ADMINISTRATIVE PROVISIONS 13301
135. JURISDICTION 13501
137. RATES AND THROUGH ROUTES 13701
139. REGISTRATION 13901
141. OPERATIONS OF CARRIERS 14101
143. FINANCE 14301
145. FEDERAL-STATE RELATIONS 14501
147. ENFORCEMENT; INVESTIGATIONS, RIGHTS, REMEDIES 14701
149. CIVIL AND CRIMINAL PENALTIES 14901

*PART C—PIPELINE CARRIERS*

"Chapter Sec.
151. GENERAL PROVISIONS 15101
153. JURISDICTION 15301
155. RATES AND TARIFFS 15501
157. OPERATIONS OF CARRIERS 15701
159. ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES 15901
161. CIVIL AND CRIMINAL PENALTIES 16101
"Sec.
"10101. Rail transportation policy.
"10102. Definitions.

"§ 10101. Rail transportation policy

"In regulating the railroad industry, it is the policy of the United States Government—

“(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

“(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

“(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Board;

“(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;

“(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

“(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

“(7) to reduce regulatory barriers to entry into and exit from the industry;

“(8) to operate transportation facilities and equipment without detriment to the public health and safety;

“(9) to encourage honest and efficient management of railroads;

“(10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

“(11) to encourage fair wages and safe and suitable working conditions in the railroad industry;

“(12) to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination;

“(13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information;

“(14) to encourage and promote energy conservation; and

“(15) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part.

"§ 10102. Definitions

“In this part—

“(1) ‘Board’ means the Surface Transportation Board;

“(2) ‘car service’ includes (A) the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, other vehicles, and special types of equipment used in the transportation of property by a rail carrier, and (B) the supply of trains by a rail carrier;

“(3) ‘control’, when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by (A) common directors, officers,
stockholders, a voting trust, or a holding or investment company, or (B) any other means;

"(4) 'person', in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person;

"(5) 'rail carrier' means a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation;

"(6) 'railroad' includes—

"(A) a bridge, car float, lighter, ferry, and intermodal equipment used by or in connection with a railroad;

"(B) the road used by a rail carrier and owned by it or operated under an agreement; and

"(C) a switch, spur, track, terminal, terminal facility, and a freight depot, yard, and ground, used or necessary for transportation;

"(7) 'rate' means a rate or charge for transportation;

"(8) 'State' means a State of the United States and the District of Columbia;

"(9) 'transportation' includes—

"(A) a locomotive, car, vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership or an agreement concerning use; and

"(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property; and

"(10) 'United States' means the States of the United States and the District of Columbia.

"CHAPTER 105—JURISDICTION

"Sec. 10501. General jurisdiction.

"10502. Authority to exempt rail carrier transportation.

"§ 10501. General jurisdiction

"(a)(1) Subject to this chapter, the Board has jurisdiction over transportation by rail carrier that is—

"(A) only by railroad; or

"(B) by railroad and water, when the transportation is under common control, management, or arrangement for a continuous carriage or shipment.

"(2) Jurisdiction under paragraph (1) applies only to transportation in the United States between a place in—

"(A) a State and a place in the same or another State as part of the interstate rail network;

"(B) a State and a place in a territory or possession of the United States;

"(C) a territory or possession of the United States and a place in another such territory or possession;

"(D) a territory or possession of the United States and another place in the same territory or possession;

"(E) the United States and another place in the United States through a foreign country; or

"(F) the United States and a place in a foreign country.

"(b) The jurisdiction of the Board over—

"(1) transportation by rail carriers, and the remedies provided in this part with respect to rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and

"(2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side
tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State, is exclusive. Except as otherwise provided in this part, the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.

“(c)(1) In this subsection—

“(A) the term ‘local governmental authority’—

“(i) has the same meaning given that term by section 5302(a) of this title; and

“(ii) includes a person or entity that contracts with the local governmental authority to provide transportation services; and

“(B) the term ‘mass transportation’ means transportation services described in section 5302(a) of this title that are provided by rail.

“(2) Except as provided in paragraph (3), the Board does not have jurisdiction under this part over mass transportation provided by a local governmental authority.

“(3)(A) Notwithstanding paragraph (2) of this subsection, a local governmental authority, described in paragraph (2), is subject to applicable laws of the United States related to—

“(i) safety;

“(ii) the representation of employees for collective bargaining; and

“(iii) employment, retirement, annuity, and unemployment systems or other provisions related to dealings between employees and employers.

“(B) The Board has jurisdiction under sections 11102 and 11103 of this title over transportation provided by a local governmental authority only if the Board finds that such governmental authority meets all of the standards and requirements for being a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission that were in effect immediately before the effective date of the ICC Termination Act of 1995. The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.

“§ 10502. Authority to exempt rail carrier transportation

“(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Board under this part, the Board, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever the Board finds that the application in whole or in part of a provision of this part—

“(1) is not necessary to carry out the transportation policy of section 10101 of this title; and

“(2) either—

“(A) the transaction or service is of limited scope; or

“(B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.

“(b) The Board may, where appropriate, begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party. The Board shall, within 90 days after receipt of any such application, determine whether to begin an appropriate proceeding. If the Board decides not to begin a class exemption proceeding, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of an application under this subsection shall be completed within 9 months after it is begun.

“(c) The Board may specify the period of time during which an exemption granted under this section is effective.
“(d) The Board may revoke an exemption, to the extent it specifies, when it finds that application in whole or in part of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 10101 of this title. The Board shall, within 90 days after receipt of a request for revocation under this subsection, determine whether to begin an appropriate proceeding. If the Board decides not to begin a proceeding to revoke a class exemption, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of a request under this subsection shall be completed within 9 months after it is begun.

“(e) No exemption order issued pursuant to this section shall operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with the provisions of section 11706 of this title. Nothing in this subsection or section 11706 of this title shall prevent rail carriers from offering alternative terms nor give the Board the authority to require any specific level of rates or services based upon the provisions of section 11706 of this title.

“(f) The Board may exercise its authority under this section to exempt transportation that is provided by a rail carrier as part of a continuous intermodal movement.

“(g) The Board may not exercise its authority under this section to relieve a rail carrier of its obligation to protect the interests of employees as required by this part.”

“CHAPTER 107—RATES

“SUBCHAPTER I—GENERAL AUTHORITY

“Sec.

“10701. Standards for rates, classifications, through routes, rules, and practices.

“10702. Authority for rail carriers to establish rates, classifications, rules, and practices.

“10703. Authority for rail carriers to establish through routes.

“10704. Authority and criteria: rates, classifications, rules, and practices prescribed by Board.

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“SUBCHAPTER I—GENERAL AUTHORITY

“§ 10701. Standards for rates, classifications, through routes, rules, and practices

“(a) A through route established by a rail carrier must be reasonable. Divisions of joint rates by rail carriers must be made without unreasonable discrimination against a participating carrier and must be reasonable.

“(b) A rail carrier providing transportation subject to the jurisdiction of the Board under this part may not discriminate in its rates against a connecting line of another rail carrier providing transportation subject to the jurisdiction of the Board under this part or unreasonably discriminate against that line in the distribution of traffic that is not routed specifically by the shipper.
(c) Except as provided in subsection (d) of this section and unless a rate is prohibited by a provision of this part, a rail carrier providing transportation subject to the jurisdiction of the Board under this part may establish any rate for transportation or other service provided by the rail carrier.

(d)(1) If the Board determines, under section 10707 of this title, that a rail carrier has market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation must be reasonable.

(2) In determining whether a rate established by a rail carrier is reasonable for purposes of this section, the Board shall give due consideration to—

(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

(C) the carrier’s mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier’s overall revenues, recognizing the policy of this part that rail carriers shall earn adequate revenues, as established by the Board under section 10704(a)(2) of this title.

(3) The Board shall, within one year after the effective date of this paragraph, complete the pending Interstate Commerce Commission non-coal rate guidelines proceeding to establish a simplified and expedited method for determining the reasonableness of challenged rail rates in those cases in which a full stand-alone cost presentation is too costly, given the value of the case.

§ 10702. Authority for rail carriers to establish rates, classifications, rules, and practices

A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part shall establish reasonable—

(1) rates, to the extent required by section 10707, divisions of joint rates, and classifications for transportation and service it may provide under this part; and

(2) rules and practices on matters related to that transportation or service.

§ 10703. Authority for rail carriers to establish through routes

Rail carriers providing transportation subject to the jurisdiction of the Board under this part shall establish through routes (including physical connections) with each other and with water carriers providing transportation subject to chapter 137, shall establish rates and classifications applicable to those routes, and shall establish rules for their operation and provide—

(1) reasonable facilities for operating the through route; and

(2) reasonable compensation to persons entitled to compensation for services related to the through route.

§ 10704. Authority and criteria: rates, classifications, rules, and practices prescribed by Board

(a)(1) When the Board, after a full hearing, decides that a rate charged or collected by a rail carrier for transportation subject to the jurisdiction of the Board under this part, or that a classification, rule, or practice of that carrier, does or will violate this part, the Board may prescribe the maximum rate, classification, rule, or practice to be followed. The Board may order the carrier to stop the violation. When a rate, classification, rule, or practice
is prescribed under this subsection, the affected carrier may not publish, charge, or collect a different rate and shall adopt the classification and observe the rule or practice prescribed by the Board.

“(2) The Board shall maintain and revise as necessary standards and procedures for establishing revenue levels for rail carriers providing transportation subject to its jurisdiction under this part that are adequate, under honest, economical, and efficient management, to cover total operating expenses, including depreciation and obsolescence, plus a reasonable and economic profit or return (or both) on capital employed in the business. The Board shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed under this paragraph. Revenue levels established under this paragraph should—

“(A) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

“(B) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

“(3) On the basis of the standards and procedures described in paragraph (2), the Board shall annually determine which rail carriers are earning adequate revenues.

“(b) The Board may begin a proceeding under this section only on complaint. A complaint under subsection (a) of this section must be made under section 11701 of this title, but the proceeding may also be in extension of a complaint pending before the Board.

“(c) In a proceeding to challenge the reasonableness of a rate, the Board shall make its determination as to the reasonableness of the challenged rate—

“(1) within 9 months after the close of the administrative record if the determination is based upon a stand-alone cost presentation; or

“(2) within 6 months after the close of the administrative record if the determination is based upon the methodology adopted by the Board pursuant to section 10701(d)(3).

“(d) Within 9 months after the effective date of the ICC Termination Act of 1995, the Board shall establish procedures to ensure expeditious handling of challenges to the reasonableness of railroad rates. The procedures shall include appropriate measures for avoiding delay in the discovery and evidentiary phases of such proceedings and exemption or revocation proceedings, including appropriate sanctions for such delay, and for ensuring prompt disposition of motions and interlocutory administrative appeals.

“§ 10705. Authority: through routes, joint classifications, rates, and divisions prescribed by Board

“(a)(1) The Board may, and shall when it considers it desirable in the public interest, prescribe through routes, joint classifications, joint rates, the division of joint rates, and the conditions under which those routes must be operated, for a rail carrier providing transportation subject to the jurisdiction of the Board under this part.

“(2) The Board may require a rail carrier to include in a through route substantially less than the entire length of its railroad and any intermediate railroad operated with it under common management or control if that intermediate railroad lies between the terminals of the through route only when—

“(A) required under section 10741, 10742, or 11102 of this title;

“(B) inclusion of those lines would make the through route unreasonably long when compared with a practicable alternative through route that could be established; or
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“(C) the Board decides that the proposed through route is needed to provide adequate, and more efficient or economic, transportation.

The Board shall give reasonable preference, subject to this subsection, to the rail carrier originating the traffic when prescribing through routes.

“(b) The Board shall prescribe the division of joint rates to be received by a rail carrier providing transportation subject to its jurisdiction under this part when it decides that a division of joint rates established by the participating carriers under section 10703 of this title, or under a decision of the Board under subsection (a) of this section, does or will violate section 10701 of this title.

“(c) If a division of a joint rate prescribed under a decision of the Board is later found to violate section 10701 of this title, the Board may decide what division would have been reasonable and order adjustment to be made retroactive to the date the complaint was filed, the date the order for an investigation was made, or a later date that the Board decides is justified. The Board may make a decision under this subsection effective as part of its original decision.

§ 10706. Rate agreements: exemption from antitrust laws

“(a)(1) In this subsection—

“(A) the term ‘affiliate’ means a person controlling, controlled by, or under common control or ownership with another person and ‘ownership’ refers to equity holdings in a business entity of at least 5 percent;

“(B) the term ‘single-line rate’ refers to a rate or allowance proposed by a single rail carrier that is applicable only over its line and for which the transportation (exclusive of terminal services by switching, drayage or other terminal carriers or agencies) can be provided by that carrier; and

“(C) the term ‘practically participates in the movement’ shall have such meaning as the Board shall by regulation prescribe.

“(2)(A) A rail carrier providing transportation subject to the jurisdiction of the Board under this part that is a party to an agreement of at least 2 rail carriers that relates to rates (including charges between rail carriers and compensation paid or received for the use of facilities and equipment), classifications, divisions, or rules related to them, or procedures for joint consideration, initiation, publication, or establishment of them, shall apply to the Board for approval of that agreement under this subsection. The Board shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy of section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of its approval. If the Board approves the agreement, it may be made and carried out under its terms and under the conditions required by the Board, and the Sherman Act (15 U.S.C. 1, et seq.), the Clayton Act (15 U.S.C. 12, et seq.), the Federal Trade Commission Act (15 U.S.C. 41, et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a) do not apply to parties and other persons with respect to making or carrying out the agreement. However, the Board may not approve or continue approval of an agreement when the conditions required by it are not met or if it does not receive a verified statement under subparagraph (B) of this paragraph.

“(B) The Board may approve an agreement under subparagraph (A) of this paragraph only when the rail carriers applying for approval file a verified statement with the Board. Each statement must specify for each rail carrier that is a party to the agreement—

“(i) the name of the carrier;
“(ii) the mailing address and telephone number of its head-
quarter’s office; and
“(iii) the names of each of its affiliates and the names,
addresses, and affiliates of each of its officers and directors
and of each person, together with an affiliate, owning or control-
ing any debt, equity, or security interest in it having a value
of at least $1,000,000.
“(3)(A) An organization established or continued under an
agreement approved under this subsection shall make a final dis-
position of a rule or rate docketed with it by the 120th day after
the proposal is docketed. Such an organization may not—
“(i) permit a rail carrier to discuss, to participate in agree-
ments related to, or to vote on single-line rates proposed by
another rail carrier, except that for purposes of general rate
increases and broad changes in rates, classifications, rules,
and practices only, if the Board finds at any time that the
implementation of this clause is not feasible, it may delay
or suspend such implementation in whole or in part;
“(ii) permit a rail carrier to discuss, to participate in agree-
ments related to, or to vote on rates related to a particular
interline movement unless that rail carrier practicably partici-
pates in the movement; or
“(iii) if there are interline movements over two or more
routes between the same end points, permit a carrier to discuss,
to participate in agreements related to, or to vote on rates
except with a carrier which forms part of a particular single
route. If the Board finds at any time that the implementa-
tion of this clause is not feasible, it may delay or suspend such
implementation in whole or in part.
“(B)(i) In any proceeding in which a party alleges that a rail
carrier voted or agreed on a rate or allowance in violation of
this subsection, that party has the burden of showing that the
vote or agreement occurred. A showing of parallel behavior does
not satisfy that burden by itself.
“(ii) In any proceeding in which it is alleged that a carrier
was a party to an agreement, conspiracy, or combination in violation
of a Federal law cited in subsection (a)(2)(A) of this section or
of any similar State law, proof of an agreement, conspiracy, or
combination may not be inferred from evidence that two or more
rail carriers acted together with respect to an interline rate or
related matter and that a party to such action took similar action
with respect to a rate or related matter on another route or traffic.
In any proceeding in which such a violation is alleged, evidence
of a discussion or agreement between or among such rail carrier
and one or more other rail carriers, or of any rate or other action
resulting from such discussion or agreement, shall not be admissible
if the discussion or agreement—
“(I) was in accordance with an agreement approved under
paragraph (2) of this subsection; or
“(II) concerned an interline movement of the rail carrier,
and the discussion or agreement would not, considered by itself,
violate the laws referred to in the first sentence of this clause.
In any proceeding before a jury, the court shall determine whether
the requirements of subclause (I) or (II) are satisfied before allowing
the introduction of any such evidence.
“(C) An organization described in subparagraph (A) of this
paragraph shall provide that transcripts or sound recordings be
made of all meetings, that records of votes be made, and that
such transcripts or recordings and voting records be submitted
to the Board and made available to other Federal agencies in
connection with their statutory responsibilities over rate bureaus,
except that such material shall be kept confidential and shall not
be subject to disclosure under section 552 of title 5, United States
Code.
“(4) Notwithstanding any other provision of this subsection, one or more rail carriers may enter into an agreement, without obtaining prior Board approval, that provides solely for compilation, publication, and other distribution of rates in effect or to become effective. The Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a) shall not apply to parties and other persons with respect to making or carrying out such agreement. However, the Board may, upon application or on its own initiative, investigate whether the parties to such an agreement have exceeded its scope, and upon a finding that they have, the Board may issue such orders as are necessary, including an order dissolving the agreement, to ensure that actions taken pursuant to the agreement are limited as provided in this paragraph.

“(5)(A) Whenever two or more shippers enter into an agreement to discuss among themselves that relates to the amount of compensation such shippers propose to be paid by rail carriers providing transportation subject to the jurisdiction of the Board under this part, for use by such rail carriers of rolling stock owned or leased by such shippers, the shippers shall apply to the Board for approval of that agreement under this paragraph. The Board shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy set forth in section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of approval. If the Board approves the agreement, it may be made and carried out under its terms and under the terms required by the Board, and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement. The Board shall approve or disapprove an agreement under this paragraph within one year after the date application for approval of such agreement is made.

“(B) If the Board approves an agreement described in subparagraph (A) of this paragraph and the shippers entering into such agreement and the rail carriers proposing to use rolling stock owned or leased by such shippers, under payment by such carriers or under a published allowance, are unable to agree upon the amount of compensation to be paid for the use of such rolling stock, any party directly involved in the negotiations may require that the matter be settled by submitting the issues in dispute to the Board. The Board shall render a binding decision, based upon a standard of reasonableness and after taking into consideration any past precedents on the subject matter of the negotiations, no later than 90 days after the date of the submission of the dispute to the Board.

“(C) Nothing in this paragraph shall be construed to change the law in effect prior to the effective date of the Staggers Rail Act of 1980 with respect to the obligation of rail carriers to utilize rolling stock owned or leased by shippers.

“(b) The Board may require an organization established or continued under an agreement approved under this section to maintain records and submit reports. The Board may inspect a record maintained under this section.

“(c) The Board may review an agreement approved under subsection (a) of this section and shall change the conditions of approval or terminate it when necessary to comply with the public interest and subsection (a). The Board shall postpone the effective date of a change of an agreement under this subsection for whatever period it determines to be reasonably necessary to avoid unreasonable hardship.
"(d) The Board may begin a proceeding under this section on its own initiative or on application. Action of the Board under this section—

"(1) approving an agreement;
"(2) denying, ending, or changing approval;
"(3) prescribing the conditions on which approval is granted; or
"(4) changing those conditions,

has effect only as related to application of the antitrust laws referred to in subsection (a) of this section.

"(e)(1) The Federal Trade Commission, in consultation with the Antitrust Division of the Department of Justice, shall prepare periodically an assessment of, and shall report to the Board on—

"(A) possible anticompetitive features of—

"(i) agreements approved or submitted for approval under subsection (a) of this section; and
"(ii) an organization operating under those agreements;

and

"(B) possible ways to alleviate or end an anticompetitive feature, effect, or aspect in a manner that will further the goals of this part and of the transportation policy of section 10101 of this title.

"(2) Reports received by the Board under this subsection shall be published and made available to the public under section 552(a) of title 5.

§ 10707. Determination of market dominance in rail rate proceedings

"(a) In this section, 'market dominance' means an absence of effective competition from other rail carriers or modes of transportation for the transportation to which a rate applies.

"(b) When a rate for transportation by a rail carrier providing transportation subject to the jurisdiction of the Board under this part is challenged as being unreasonably high, the Board shall determine whether the rail carrier proposing the rate has market dominance over the transportation to which the rate applies. The Board may make that determination on its own initiative or on complaint. A finding by the Board that the rail carrier does not have market dominance is determinative in a proceeding under this part related to that rate or transportation unless changed or set aside by the Board or set aside by a court of competent jurisdiction.

"(c) When the Board finds in any proceeding that a rail carrier proposing or defending a rate for transportation has market dominance over the transportation to which the rate applies, it may then determine that rate to be unreasonable if it exceeds a reasonable maximum for that transportation. However, a finding of market dominance does not establish a presumption that the proposed rate exceeds a reasonable maximum.

"(d)(1)(A) In making a determination under this section, the Board shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applies if such rail carrier proves that the rate charged results in a revenue-variable cost percentage for such transportation that is less than 180 percent.

(B) For purposes of this section, variable costs for a rail carrier shall be determined only by using such carrier's unadjusted costs, calculated using the Uniform Rail Costing System cost finding methodology (or an alternative methodology adopted by the Board in lieu thereof) and indexed quarterly to account for current wage and price levels in the region in which the carrier operates, with adjustments specified by the Board. A rail carrier may meet its burden of proof under this subsection by establishing its variable costs in accordance with this paragraph, but a shipper may rebut
that showing by evidence of such type, and in accordance with such burden of proof, as the Board shall prescribe.

“(2) A finding by the Board that a rate charged by a rail carrier results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than 180 percent does not establish a presumption that—

“(A) such rail carrier has or does not have market dominance over such transportation; or

“(B) the proposed rate exceeds or does not exceed a reasonable maximum.

§ 10708. Rail cost adjustment factor

“(a) The Board shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Board, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

“(b) The rail cost adjustment factor published by the Board under subsection (a) of this section shall take into account changes in railroad productivity. The Board shall also publish a similar index that does not take into account changes in railroad productivity.

§ 10709. Contracts

“(a) One or more rail carriers providing transportation subject to the jurisdiction of the Board under this part may enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions.

“(b) A party to a contract entered into under this section shall have no duty in connection with services provided under such contract other than those duties specified by the terms of the contract.

“(c)(1) A contract that is authorized by this section, and transportation under such contract, shall not be subject to this part, and may not be subsequently challenged before the Board or in any court on the grounds that such contract violates a provision of this part.

“(2) The exclusive remedy for any alleged breach of a contract entered into under this section shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree. This section does not confer original jurisdiction on the district courts of the United States based on section 1331 or 1337 of title 28, United States Code.

“(d)(1) A summary of each contract for the transportation of agricultural products (including grain, as defined in section 3 of the United States Grain Standards Act (7 U.S.C. 75) and products thereof) entered into under this section shall be filed with the Board, containing such nonconfidential information as the Board prescribes. The Board shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

“(2) Documents, papers, and records (and any copies thereof) relating to a contract described in subsection (a) shall not be subject to the mandatory disclosure requirements of section 552 of title 5.

“(e) Any lawful contract between a rail carrier and one or more purchasers of rail service that was in effect on the effective date of the Staggers Rail Act of 1980 shall be considered a contract authorized by this section.

“(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation.
set forth in section 11101, with respect to rail transportation not provided under such a contract.

“(g)(1) No later than 30 days after the date of filing of a summary of a contract under this section, the Board may, on complaint, begin a proceeding to review such contract on the grounds described in this subsection.

“(2)(A) A complaint may be filed under this subsection—

“(i) by a shipper on the grounds that such shipper individually will be harmed because the proposed contract unduly impairs the ability of the contracting rail carrier or carriers to meet their common carrier obligations to the complainant under section 11101 of this title; or

“(ii) by a port only on the grounds that such port individually will be harmed because the proposed contract will result in unreasonable discrimination against such port.

“(B) In addition to the grounds for a complaint described in subparagraph (A) of this paragraph, a complaint may be filed by a shipper of agricultural commodities on the grounds that such shipper individually will be harmed because—

“(i) the rail carrier has unreasonably discriminated by refusing to enter into a contract with such shipper for rates and services for the transportation of the same type of commodity under similar conditions to the contract at issue, and that shipper was ready, willing, and able to enter into such a contract at a time essentially contemporaneous with the period during which the contract at issue was offered; or

“(ii) the proposed contract constitutes a destructive competitive practice under this part.

In making a determination under clause (ii) of this subparagraph, the Board shall consider the difference between contract rates and published single car rates.

“(C) For purposes of this paragraph, the term ‘unreasonable discrimination’ has the same meaning as such term has under section 10741 of this title.

“(3)(A) Within 30 days after the date a proceeding is commenced under paragraph (1) of this subsection, or within such shorter time period after such date as the Board may establish, the Board shall determine whether the contract that is the subject of such proceeding is in violation of this section.

“(B) If the Board determines, on the basis of a complaint filed under paragraph (2)(B)(i) of this subsection, that the grounds for a complaint described in such paragraph have been established with respect to a rail carrier, the Board shall, subject to the provisions of this section, order such rail carrier to provide rates and service substantially similar to the contract at issue with such differentials in terms and conditions as are justified by the evidence.

“(h)(1) Any rail carrier may, in accordance with the terms of this section, enter into contracts for the transportation of agricultural commodities (including forest products, but not including wood pulp, wood chips, pulpwood or paper) involving the utilization of carrier owned or leased equipment not in excess of 40 percent of the capacity of such carrier’s owned or leased equipment by major car type (plain boxcars, covered hopper cars, gondolas and open top hoppers, coal cars, bulkhead flatcars, pulpwood rackcars, and flatbed equipment, including TOFC/COFC).

“(2) The Board may, on request of a rail carrier or other party or on its own initiative, grant such relief from the limitations of paragraph (1) of this subsection as the Board considers appropriate, if it appears that additional equipment may be made available without impairing the rail carrier’s ability to meet its common carrier obligations under section 11101 of this title.

“(3)(A) This subsection shall cease to be effective after September 30, 1998.

“(B) Before October 1, 1997, the National Grain Car Council and the Railroad-Shipper Transportation Advisory Council shall

Termination date.
make recommendations to Congress on whether to extend the effectiveness of or otherwise modify this subsection.

"SUBCHAPTER II—SPECIAL CIRCUMSTANCES

§ 10721. Government traffic

"A rail carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a rail carrier lawfully operating in the area where the transportation would be provided.

§ 10722. Car utilization

"In order to encourage more efficient use of freight cars, notwithstanding any other provision of this part, rail carriers shall be permitted to establish premium charges for special services or special levels of services not otherwise applicable to the movement. The Board shall facilitate development of such charges so as to increase the utilization of equipment.

"SUBCHAPTER III—LIMITATIONS

§ 10741. Prohibitions against discrimination by rail carriers

"(a)(1) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part may not subject a person, place, port, or type of traffic to unreasonable discrimination.

"(2) For purposes of this section, a rail carrier engages in unreasonable discrimination when it charges or receives from a person a different compensation for a service rendered, or to be rendered, in transportation the rail carrier may perform under this part than it charges or receives from another person for performing a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances.

"(b) This section shall not apply to—

"(1) contracts described in section 10709 of this title;

"(2) rail rates applicable to different routes; or

"(3) discrimination against the traffic of another carrier providing transportation by any mode.

"(c) Differences between rates, classifications, rules, and practices of rail carriers do not constitute a violation of this section if such differences result from different services provided by rail carriers.

§ 10742. Facilities for interchange of traffic

"A rail carrier providing transportation subject to the jurisdiction of the Board under this part shall provide reasonable, proper, and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding, and delivering of passengers and property to and from, its respective line and a connecting line of another rail carrier or of a water carrier providing transportation subject to chapter 137.

§ 10743. Liability for payment of rates

"(a)(1) Liability for payment of rates for transportation for a shipment of property by a shipper or consignor to a consignee other than the shipper or consignor, is determined under this subsection when the transportation is provided by a rail carrier under this part. When the shipper or consignor instructs the rail carrier transporting the property to deliver it to a consignee that is an agent only, not having beneficial title to the property, the consignee
is liable for rates billed at the time of delivery for which the consignee is otherwise liable, but not for additional rates that may be found to be due after delivery if the consignee gives written notice to the delivering carrier before delivery of the property—

(A) of the agency and absence of beneficial title; and

(B) of the name and address of the beneficial owner of the property if it is reconsigned or diverted to a place other than the place specified in the original bill of lading.

(2) When the consignee is liable only for rates billed at the time of delivery under paragraph (1) of this subsection, the shipper or consignor, or, if the property is reconsigned or diverted, the beneficial owner, is liable for those additional rates regardless of the bill of lading or contract under which the property was transported. The beneficial owner is liable for all rates when the property is reconsigned or diverted by an agent but is refused or abandoned at its ultimate destination if the agent gave the rail carrier in the reconsignment or diversion order a notice of agency and the name and address of the beneficial owner. A consignee giving the rail carrier, or a reconsignor or diverter giving a rail carrier, erroneous information about the identity of the beneficial owner of the property is liable for the additional rates.

(b) Liability for payment of rates for transportation for a shipment of property by a shipper or consignor, named in the bill of lading as consignee, is determined under this subsection when the transportation is provided by a rail carrier under this part. When the shipper or consignor gives written notice, before delivery of the property, to the line-haul rail carrier that is to make ultimate delivery—

(1) to deliver the property to another party identified by the shipper or consignor as the beneficial owner of the property; and

(2) that delivery is to be made to that party on payment of all applicable transportation rates;

that party is liable for the rates billed at the time of delivery and for additional rates that may be found to be due after delivery if that party does not pay the rates required to be paid under paragraph (2) of this subsection on delivery. However, if the party gives written notice to the delivering rail carrier before delivery that the party is not the beneficial owner of the property and gives the rail carrier the name and address of the beneficial owner, then the party is not liable for those additional rates. A shipper, consignor, or party to whom delivery is made that gives the delivering rail carrier erroneous information about the identity of the beneficial owner, is liable for the additional rates regardless of the bill of lading or contract under which the property was transported. This subsection does not apply to a prepaid shipment of property.

(c)(1) A rail carrier may bring an action to enforce liability under subsection (a) of this section. That rail carrier must bring the action during the period provided in section 11705(a) of this title or by the end of the 6th month after final judgment against it in an action against the consignee, or the beneficial owner named by the consignee or agent, under that section.

(2) A rail carrier may bring an action to enforce liability under subsection (b) of this section. That carrier must bring the action during the period provided in section 11705(a) of this title or by the end of the 6th month after final judgment against it in an action against the shipper, consignor, or other party under that section.

§ 10744. Continuous carriage of freight

“A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part may not enter a combination or arrangement to prevent the carriage of freight from being continuous from the place of shipment to the place of destina-
tion whether by change of time schedule, carriage in different cars, or by other means. The carriage of freight by those rail carriers is considered to be a continuous carriage from the place of shipment to the place of destination when a break of bulk, stoppage, or interruption is not made in good faith for a necessary purpose, and with the intent of avoiding or unnecessarily interrupting the continuous carriage or of evading this part.

§ 10745. Transportation services or facilities furnished by shipper

"A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part may establish a charge or allowance for transportation or service for property when the owner of the property, directly or indirectly, furnishes a service related to or an instrumentality used in the transportation or service. The Board may prescribe the maximum reasonable charge or allowance a rail carrier subject to its jurisdiction may pay for a service or instrumentality furnished under this section. The Board may begin a proceeding under this section on its own initiative or on application.

§ 10746. Demurrage charges

"A rail carrier providing transportation subject to the jurisdiction of the Board under this part shall compute demurrage charges, and establish rules related to those charges, in a way that fulfills the national needs related to—

"(1) freight car use and distribution; and
"(2) maintenance of an adequate supply of freight cars to be available for transportation of property.

§ 10747. Designation of certain routes by shippers

"(a)(1) When a person delivers property to a rail carrier for transportation subject to the jurisdiction of the Board under this part, the person may direct the rail carrier to transport the property over an established through route. When competing rail lines constitute a part of the route, the person shipping the property may designate the lines over which the property will be transported. The designation must be in writing. A rail carrier may be directed to transport property over a particular through route when—

"(A) there are at least 2 through routes over which the property could be transported;
"(B) a through rate has been established for transportation over each of those through routes; and
"(C) the rail carrier is a party to those routes and rates.

"(2) A rail carrier directed to route property transported under paragraph (1) of this subsection must issue a through bill of lading containing the routing instructions and transport the property according to the instructions. When the property is delivered to a connecting rail carrier, that rail carrier must also receive and transport it according to the routing instructions and deliver it to the next succeeding rail carrier or consignee according to the instructions.

"(b) The Board may prescribe exceptions to the authority of a person to direct the movement of traffic under subsection (a) of this section.

"CHAPTER 109—LICENSING

Sec.
10901. Authorizing construction and operation of railroad lines.
10902. Short line purchases by Class II and Class III rail carriers.
10903. Filing and procedure for application to abandon or discontinue.
10904. Offers of financial assistance to avoid abandonment and discontinuance.
10905. Offering abandoned rail properties for sale for public purposes.
10906. Exception.
10907. Railroad development.
§ 10901. Authorizing construction and operation of railroad lines

(a) A person may—

(1) construct an extension to any of its railroad lines;

(2) construct an additional railroad line;

(3) provide transportation over, or by means of, an extended or additional railroad line; or

(4) in the case of a person other than a rail carrier, acquire a railroad line or acquire or operate an extended or additional railroad line, only if the Board issues a certificate authorizing such activity under subsection (c).

(b) A proceeding to grant authority under subsection (a) of this section begins when an application is filed. On receiving the application, the Board shall give reasonable public notice, including notice to the Governor of any affected State, of the beginning of such proceeding.

(c) The Board shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Board finds that such activities are inconsistent with the public convenience and necessity. Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions (other than labor protection conditions) the Board finds necessary in the public interest.

(d)(1) When a certificate has been issued by the Board under this section authorizing the construction or extension of a railroad line, no other rail carrier may block any construction or extension authorized by such certificate by refusing to permit the carrier to cross its property if—

(A) the construction does not unreasonably interfere with the operation of the crossed line;

(B) the operation does not materially interfere with the operation of the crossed line; and

(C) the owner of the crossing line compensates the owner of the crossed line.

(2) If the parties are unable to agree on the terms of operation or the amount of payment for purposes of paragraph (1) of this subsection, either party may submit the matters in dispute to the Board for determination. The Board shall make a determination under this paragraph within 120 days after the dispute is submitted for determination.

§ 10902. Short line purchases by Class II and Class III rail carriers

(a) A Class II or Class III rail carrier providing transportation subject to the jurisdiction of the Board under this part may acquire or operate an extended or additional rail line under this section only if the Board issues a certificate authorizing such activity under subsection (c).

(b) A proceeding to grant authority under subsection (a) of this section begins when an application is filed. On receiving the application, the Board shall give reasonable public notice of the beginning of such proceeding.

(c) The Board shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Board finds that such activities are inconsistent with the public convenience and necessity. Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions (other than labor protection conditions) the Board finds necessary in the public interest.

(d) The Board shall require any Class II rail carrier which receives a certificate under subsection (c) of this section to provide a fair and equitable arrangement for the protection of the interests...
of employees who may be affected thereby. The arrangement shall consist exclusively of one year of severance pay, which shall not exceed the amount of earnings from railroad employment of the employee during the 12-month period immediately preceding the date on which the application for such certificate is filed with the Board. The amount of such severance pay shall be reduced by the amount of earnings from railroad employment of the employee with the acquiring carrier during the 12-month period immediately following the effective date of the transaction to which the certificate applies. The parties may agree to terms other than as provided in this subsection. The Board shall not require such an arrangement from a Class III rail carrier which receives a certificate under subsection (c) of this section.

§10903. Filing and procedure for application to abandon or discontinue

“(a)(1) A rail carrier providing transportation subject to the jurisdiction of the Board under this part who intends to—

“(A) abandon any part of its railroad lines; or

“(B) discontinue the operation of all rail transportation over any part of its railroad lines,

must file an application relating thereto with the Board. An abandonment or discontinuance may be carried out only as authorized under this chapter.

“(2) When a rail carrier providing transportation subject to the jurisdiction of the Board under this part files an application, the application shall include—

“(A) an accurate and understandable summary of the rail carrier’s reasons for the proposed abandonment or discontinuance;

“(B) a statement indicating that each interested person is entitled to make recommendations to the Board on the future of the rail line; and

“(C)(i) a statement that the line is available for subsidy or sale in accordance with section 10904 of this title, (ii) a statement that the rail carrier will promptly provide to each interested party an estimate of the annual subsidy and minimum purchase price, calculated in accordance with section 10904 of this title, and (iii) the name and business address of the person who is authorized to discuss the subsidy or sale terms for the rail carrier.

“(3) The rail carrier shall—

“(A) send by certified mail notice of the application to the chief executive officer of each State that would be directly affected by the proposed abandonment or discontinuance;

“(B) post a copy of the notice in each terminal and station on each portion of a railroad line proposed to be abandoned or over which all transportation is to be discontinued;

“(C) publish a copy of the notice for 3 consecutive weeks in a newspaper of general circulation in each county in which each such portion is located;

“(D) mail a copy of the notice, to the extent practicable, to all shippers that have made significant use (as designated by the Board) of the railroad line during the 12 months preceding the filing of the application; and

“(E) attach to the application filed with the Board an affidavit certifying the manner in which subparagraphs (A) through (D) of this paragraph have been satisfied, and certifying that subparagraphs (A) through (D) have been satisfied within the most recent 30 days prior to the date the application is filed.

“(b)(1) Except as provided in subsection (d), abandonment and discontinuance may occur as provided in section 10904.

“(2) The Board shall require as a condition of any abandonment or discontinuance under this section provisions to protect the
interests of employees. The provisions shall be at least as beneficial to those interests as the provisions established under sections 11326(a) and 24706(c) of this title.

"(c)(1) In this subsection, the term 'potentially subject to abandonment' has the meaning given the term in regulations of the Board. The regulations may include standards that vary by region of the United States and by railroad or group of railroads.

"(2) Each rail carrier shall maintain a complete diagram of the transportation system operated, directly or indirectly, by the rail carrier. The rail carrier shall submit to the Board and publish amendments to its diagram that are necessary to maintain the accuracy of the diagram. The diagram shall—

"(A) include a detailed description of each of its railroad lines potentially subject to abandonment; and

"(B) identify each railroad line for which the rail carrier plans to file an application to abandon or discontinue under subsection (a) of this section.

"(d) A rail carrier providing transportation subject to the jurisdiction of the Board under this part may—

"(1) abandon any part of its railroad lines; or

"(2) discontinue the operation of all rail transportation over any part of its railroad lines; only if the Board finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance. In making the finding, the Board shall consider whether the abandonment or discontinuance will have a serious, adverse impact on rural and community development.

"(e) Subject to this section and sections 10904 and 10905 of this title, if the Board—

"(1) finds public convenience and necessity, it shall—

"(A) approve the application as filed; or

"(B) approve the application with modifications and require compliance with conditions that the Board finds are required by public convenience and necessity; or

"(2) fails to find public convenience and necessity, it shall deny the application.

"§ 10904. Offers of financial assistance to avoid abandonment and discontinuance

"(a) In this section—

"(1) the term 'avoidable cost' means all expenses that would be incurred by a rail carrier in providing transportation that would not be incurred if the railroad line over which the transportation was provided were abandoned or if the transportation were discontinued. Expenses include cash inflows foregone and cash outflows incurred by the rail carrier as a result of not abandoning or discontinuing the transportation. Cash inflows foregone and cash outflows incurred include—

"(A) working capital and required capital expenditure;

"(B) expenditures to eliminate deferred maintenance;

"(C) the current cost of freight cars, locomotives, and other equipment; and

"(D) the foregone tax benefits from not retiring properties from rail service and other effects of applicable Federal and State income taxes; and

"(2) the term 'reasonable return' means—

"(A) if a rail carrier is not in reorganization, the cost of capital to the rail carrier, as determined by the Board; and

"(B) if a rail carrier is in reorganization, the mean cost of capital of rail carriers not in reorganization, as determined by the Board.

"(b) Any rail carrier which has filed an application for abandonment or discontinuance shall provide promptly to a party consider-
ing an offer of financial assistance and shall provide concurrently

to the Board—

“(1) an estimate of the annual subsidy and minimum pur-

chase price required to keep the line or a portion of the line

in operation;

“(2) its most recent reports on the physical condition of

that part of the railroad line involved in the proposed abandon-

ment or discontinuance;

“(3) traffic, revenue, and other data necessary to determine

the amount of annual financial assistance which would be

required to continue rail transportation over that part of the

railroad line; and

“(4) any other information that the Board considers nec-

essary to allow a potential offeror to calculate an adequate

subsidy or purchase offer.

“(c) Within 4 months after an application is filed under section

10903, any person may offer to subsidize or purchase the railroad

line that is the subject of such application. Such offer shall be

filed concurrently with the Board. If the offer to subsidize or pur-

chase is less than the carrier’s estimate stated pursuant to sub-

section (b)(1), the offer shall explain the basis of the disparity,

and the manner in which the offer is calculated.

“(d)(1) Unless the Board, within 15 days after the expiration

of the 4-month period described in subsection (c), finds that one

or more financially responsible persons (including a governmental

authority) have offered financial assistance regarding that part

of the railroad line to be abandoned or over which all rail transpor-

tation is to be discontinued, abandonment or discontinuance may

be carried out in accordance with section 10903.

“(2) If the Board finds that such an offer or offers of financial

assistance has been made within such period, abandonment or

discontinuance shall be postponed until—

“(A) the carrier and a financially responsible person have

reached agreement on a transaction for subsidy or sale of

the line; or

“(B) the conditions and amount of compensation are estab-

lished under subsection (f).

“(e) Except as provided in subsection (f)(3), if the rail carrier

and a financially responsible person (including a governmental

authority) fail to agree on the amount or terms of the subsidy

or purchase, either party may, within 30 days after the offer is

made, request that the Board establish the conditions and amount

of compensation.

“(f)(1) Whenever the Board is requested to establish the condi-

tions and amount of compensation under this section—

“(A) the Board shall render its decision within 30 days;

“(B) for proposed sales, the Board shall determine the

price and other terms of sale, except that in no case shall

the Board set a price which is below the fair market value

of the line (including, unless otherwise mutually agreed, all

facilities on the line or portion necessary to provide effective

transportation services); and

“(C) for proposed subsidies, the Board shall establish the

compensation as the difference between the revenues attrib-

utable to that part of the railroad line and the avoidable cost

of providing rail freight transportation on the line, plus a

reasonable return on the value of the line.

“(2) The decision of the Board shall be binding on both parties,

except that the person who has offered to subsidize or purchase

the line may withdraw his offer within 10 days of the Board’s

decision. In such a case, the abandonment or discontinuance may

be carried out immediately, unless other offers are being considered

pursuant to paragraph (3) of this subsection.

“(3) If a rail carrier receives more than one offer to subsidize

or purchase, it shall select the offeror with whom it wishes to

withdraw his offer.
transact business, and complete the subsidy or sale agreement, or request that the Board establish the conditions and amount of compensation before the 40th day after the expiration of the 4-month period described in subsection (c). If no agreement on subsidy or sale is reached within such 40-day period and the Board has not been requested to establish the conditions and amount of compensation, any other offeror whose offer was made within the 4-month period described in subsection (c) may request that the Board establish the conditions and amount of compensation. If the Board has established the conditions and amount of compensation, and the original offer has been withdrawn, any other offeror whose offer was made within the 4-month period described in subsection (c) may accept the Board's decision within 20 days after such decision, and the Board shall require the carrier to enter into a subsidy or sale agreement with such offeror, if such subsidy or sale agreement incorporates the Board's decision.

"(4)(A) No purchaser of a line or portion of line sold under this section may transfer or discontinue service on such line prior to the end of the second year after consummation of the sale, nor may such purchaser transfer such line, except to the rail carrier from whom it was purchased, prior to the end of the fifth year after consummation of the sale.

"(B) No subsidy arrangement approved under this section shall remain in effect for more than one year, unless otherwise mutually agreed by the parties.

"(g) Upon abandonment of a railroad line under this chapter, the obligation of the rail carrier abandoning the line to provide transportation on that line, as required by section 11101(a), is extinguished.

"§ 10905. Offering abandoned rail properties for sale for public purposes

"When the Board approves an application to abandon or discontinue under section 10903, the Board shall find whether the rail properties that are involved in the proposed abandonment or discontinuance are appropriate for use for public purposes, including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the Board finds that the rail properties proposed to be abandoned are appropriate for public purposes and not required for continued rail operations, the properties may be sold, leased, exchanged, or otherwise disposed of only under conditions provided in the order of the Board. The conditions may include a prohibition on any such disposal for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered, on reasonable terms, for sale for public purposes.

"§ 10906. Exception

"Notwithstanding section 10901 and subchapter II of chapter 113 of this title, and without the approval of the Board, a rail carrier providing transportation subject to the jurisdiction of the Board under this part may enter into arrangements for the joint ownership or joint use of spur, industrial, team, switching, or side tracks. The Board does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks.

"§ 10907. Railroad development

"(a) In this section, the term ‘financially responsible person’ means a person who—

"(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

"(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.
Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

"(b)(1) When the Board finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line is on a system diagram map as required under section 10903 of this title, but the rail carrier owning such line has not filed an application to abandon such line under section 10903 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

"(B) an application to purchase such line has been filed by a financially responsible person,

the Board shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

"(c)(1) For purposes of this section, the Board may determine that the public convenience and necessity require or permit the sale of a railroad line if the Board determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Board finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Board shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Board shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Board shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Board shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Board for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practically
participate, the Board shall, within 30 days after the date such petition is filed and pursuant to section 10705(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 107 of this title with respect to transportation under a joint rate.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to October 1, 1980, and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

"CHAPTER 111—OPERATIONS

"SUBCHAPTER I—GENERAL REQUIREMENTS

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"SUBCHAPTER I—GENERAL REQUIREMENTS

"§ 11101. Common carrier transportation, service, and rates

"(a) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part shall provide the transportation or service on reasonable request. A rail carrier shall not be found to have violated this section because it fulfills its reasonable commitments under contracts authorized under section 10709 of this title before responding to reasonable requests for service. Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable.

"(b) A rail carrier shall also provide to any person, on request, the carrier’s rates and other service terms. The response by a rail carrier to a request for the carrier’s rates and other service terms shall be—
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“(1) in writing and forwarded to the requesting person promptly after receipt of the request; or
“(2) promptly made available in electronic form.
“(c) A rail carrier may not increase any common carrier rates or change any common carrier service terms unless 20 days have expired after written or electronic notice is provided to any person who, within the previous 12 months—
“(1) has requested such rates or terms under subsection (b); or
“(2) has made arrangements with the carrier for a shipment that would be subject to such increased rates or changed terms.
“(d) With respect to transportation of agricultural products, in addition to the requirements of subsections (a), (b), and (c), a rail carrier shall publish, make available, and retain for public inspection its common carrier rates, schedules of rates, and other service terms, and any proposed and actual changes to such rates and service terms. For purposes of this subsection, agricultural products shall include grain as defined in section 3 of the United States Grain Standards Act (7 U.S.C. 75) and all products thereof, and fertilizer.
“(e) A rail carrier shall provide transportation or service in accordance with the rates and service terms, and any changes thereto, as published or otherwise made available under subsection (b), (c), or (d).
“(f) The Board shall, by regulation, establish rules to implement this section. The regulations shall provide for immediate disclosure and dissemination of rates and service terms, including classifications, rules, and practices, and their effective dates. Final regulations shall be adopted by the Board not later than 180 days after the effective date of the ICC Termination Act of 1995.

§ 11102. Use of terminal facilities

“(a) The Board may require terminal facilities, including mainline tracks for a reasonable distance outside of a terminal, owned by a rail carrier providing transportation subject to the jurisdiction of the Board under this part, to be used by another rail carrier if the Board finds that use to be practicable and in the public interest without substantially impairing the ability of the rail carrier owning the facilities or entitled to use the facilities to handle its own business. The rail carriers are responsible for establishing the conditions and compensation for use of the facilities. However, if the rail carriers cannot agree, the Board may establish conditions and compensation for use of the facilities under the principle controlling compensation in condemnation proceedings. The compensation shall be paid or adequately secured before a rail carrier may begin to use the facilities of another rail carrier under this section.
“(b) A rail carrier whose terminal facilities are required to be used by another rail carrier under this section is entitled to recover damages from the other rail carrier for injuries sustained as the result of compliance with the requirement or for compensation for the use, or both as appropriate, in a civil action, if it is not satisfied with the conditions for use of the facilities or if the amount of the compensation is not paid promptly.
“(c) The Board may require rail carriers to enter into reciprocal switching agreements, where it finds such agreements to be practicable and in the public interest, or where such agreements are necessary to provide competitive rail service. The rail carriers entering into such an agreement shall establish the conditions and compensation applicable to such agreement, but, if the rail carriers cannot agree upon such conditions and compensation within a reasonable period of time, the Board may establish such conditions and compensation.
“(2) The Board may require reciprocal switching agreements entered into by rail carriers pursuant to this subsection to contain
provisions for the protection of the interests of employees affected thereby.

"(d) The Board shall complete any proceeding under subsection (a) or (b) within 180 days after the filing of the request for relief.

§ 11103. Switch connections and tracks

"(a) On application of the owner of a lateral branch line of railroad, or of a shipper tendering interstate traffic for transportation, a rail carrier providing transportation subject to the jurisdiction of the Board under this part shall construct, maintain, and operate, on reasonable conditions, a switch connection to connect that branch line or private side track with its railroad and shall furnish cars to move that traffic to the best of its ability without discrimination in favor of or against the shipper when the connection—

"(1) is reasonably practicable;
"(2) can be made safely; and
"(3) will furnish sufficient business to justify its construction and maintenance.

"(b) If a rail carrier fails to install and operate a switch connection after application is made under subsection (a) of this section, the owner of the lateral branch line of railroad or the shipper may file a complaint with the Board under section 11701 of this title. The Board shall investigate the complaint and decide the safety, practicability, justification, and compensation to be paid for the connection. The Board may direct the rail carrier to comply with subsection (a) of this section only after a full hearing.

"SUBCHAPTER II—CAR SERVICE

§ 11121. Criteria

"(a)(1) A rail carrier providing transportation subject to the jurisdiction of the Board under this part shall furnish safe and adequate car service and establish, observe, and enforce reasonable rules and practices on car service. The Board may require a rail carrier to provide facilities and equipment that are reasonably necessary to furnish safe and adequate car service if the Board decides that the rail carrier has materially failed to furnish that service. The Board may begin a proceeding under this paragraph when an interested person files an application with it. The Board may act only after a hearing on the record and an affirmative finding, based on the evidence presented, that—

"(A) providing the facilities or equipment will not materially and adversely affect the ability of the rail carrier to provide safe and adequate transportation;
"(B) the amount spent for the facilities or equipment, including a return equal to the rail carrier's current cost of capital, will be recovered; and
"(C) providing the facilities or equipment will not impair the ability of the rail carrier to attract adequate capital.

"(2) The Board may require a rail carrier to file its car service rules with the Board.

"(b) The Board may designate and appoint agents and agencies to make and carry out its directions related to car service and matters under sections 11123 and 11124(a)(1) of this title.

"(c) The Board shall consult, as it considers necessary, with the National Grain Car Council on matters within the charter of that body.

§ 11122. Compensation and practice

"(a) The regulations of the Board on car service shall encourage the purchase, acquisition, and efficient use of freight cars. The regulations may include—

"(1) the compensation to be paid for the use of a locomotive, freight car, or other vehicle;
“(2) the other terms of any arrangement for the use by a rail carrier of a locomotive, freight car, or other vehicle not owned by the rail carrier using the locomotive, freight car, or other vehicle, whether or not owned by another carrier, shipper, or third person; and

“(3) sanctions for nonobservance.

“(b) The rate of compensation to be paid for each type of freight car shall be determined by the expense of owning and maintaining that type of freight car, including a fair return on its cost giving consideration to current costs of capital, repairs, materials, parts, and labor. In determining the rate of compensation, the Board shall consider the transportation use of each type of freight car, the national level of ownership of each type of freight car, and other factors that affect the adequacy of the national freight car supply.

“§ 11123. Situations requiring immediate action to serve the public

“(a) When the Board determines that shortage of equipment, congestion of traffic, unauthorized cessation of operations, or other failure of traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on shippers, or on rail service in a region of the United States, or that a rail carrier providing transportation subject to the jurisdiction of the Board under this part cannot transport the traffic offered to it in a manner that properly serves the public, the Board may, to promote commerce and service to the public, for a period not to exceed 30 days—

“(1) direct the handling, routing, and movement of the traffic of a rail carrier and its distribution over its own or other railroad lines;

“(2) require joint or common use of railroad facilities;

“(3) prescribe temporary through routes; or

“(4) give directions for—

“(A) preference or priority in transportation;

“(B) embargoes; or

“(C) movement of traffic under permits.

“(b)(1) Except with respect to proceedings under paragraph (2) of this subsection, the Board may act under this section on its own initiative or on application without regard to subchapter II of chapter 5 of title 5.

“(2) Rail carriers may establish between themselves the terms of compensation for operations, and use of facilities and equipment, required under this section. When rail carriers do not agree on the terms of compensation under this section, the Board may establish the terms for them. The Board may act under subsection (a) before conducting a proceeding under this paragraph.

“(3) When a rail carrier is directed under this section to operate the lines of another rail carrier due to that carrier’s cessation of operations, compensation for the directed operations shall derive only from revenues generated by the directed operations.

“(c)(1) The Board may extend any action taken under subsection (a) of this section beyond 30 days if the Board finds that a transportation emergency described in subsection (a) continues to exist. Action by the Board under subsection (a) of this section may not remain in effect for more than 240 days beyond the initial 30-day period.

“(2) The Board may not take action under this section that would—

“(A) cause a rail carrier to operate in violation of this part; or

“(B) impair substantially the ability of a rail carrier to serve its own customers adequately, or to fulfill its common carrier obligations.
"(3) A rail carrier directed by the Board to take action under this section is not responsible, as a result of that action, for debts of any other rail carrier.

"(d) In carrying out this section, the Board shall require, to the maximum extent practicable, the use of employees who would normally have performed work in connection with the traffic subject to the action of the Board.

§ 11124. War emergencies; embargoes imposed by carriers

"(a)(1) When the President, during time of war or threatened war, notifies the Board that it is essential to the defense and security of the United States to give preference or priority to the movement of certain traffic, the Board shall direct that preference or priority be given to that traffic.

"(2) When the President, during time of war or threatened war, demands that preference and precedence be given to the transportation of troops and material of war over all other traffic, all rail carriers providing transportation subject to the jurisdiction of the Board under this part shall adopt every means within their control to facilitate and expedite the military traffic.

"(b) An embargo imposed by any such rail carrier does not apply to shipments consigned to agents of the United States Government for its use. The rail carrier shall deliver those shipments as promptly as possible.

"SUBCHAPTER III—REPORTS AND RECORDS

§ 11141. Definitions

"In this subchapter—

"(1) the terms ‘rail carrier’ and ‘lessor’ include a receiver or trustee of a rail carrier and lessor, respectively;

"(2) the term ‘lessor’ means a person owning a railroad that is leased to and operated by a carrier providing transportation subject to the jurisdiction of the Board under this part; and

"(3) the term ‘association’ means an organization maintained by or in the interest of a group of rail carriers providing transportation or service subject to the jurisdiction of the Board under this part that performs a service, or engages in activities, related to transportation under this part.

§ 11142. Uniform accounting system

"The Board may prescribe a uniform accounting system for classes of rail carriers providing transportation subject to the jurisdiction of the Board under this part. To the maximum extent practicable, the Board shall conform such system to generally accepted accounting principles, and shall administer this subchapter in accordance with such principles.

§ 11143. Depreciation charges

"The Board shall, for a class of rail carriers providing transportation subject to its jurisdiction under this part, prescribe, and change when necessary, those classes of property for which depreciation charges may be included under operating expenses and a rate of depreciation that may be charged to a class of property. The Board may classify those rail carriers for purposes of this section. A rail carrier for whom depreciation charges and rates of depreciation are in effect under this section for any class of property may not—

"(1) charge to operating expenses a depreciation charge on a class of property other than that prescribed by the Board;

"(2) charge another rate of depreciation; or

"(3) include other depreciation charges in operating expenses.
"§ 11144. Records: form; inspection; preservation

(a) The Board may prescribe the form of records required to be prepared or compiled under this subchapter—

(1) by rail carriers and lessors, including records related to movement of traffic and receipts and expenditures of money; and

(2) by persons furnishing cars to or for a rail carrier providing transportation subject to the jurisdiction of the Board under this part to the extent related to those cars or that service.

(b) The Board, or an employee designated by the Board, may on demand and display of proper credentials—

(1) inspect and examine the lands, buildings, and equipment of a rail carrier or lessor; and

(2) inspect and copy any record of—

(A) a rail carrier, lessor, or association;

(B) a person controlling, controlled by, or under common control with a rail carrier if the Board considers inspection relevant to that person's relation to, or transaction with, that rail carrier; and

(C) a person furnishing cars to or for a rail carrier if the Board prescribed the form of that record.

(c) The Board may prescribe the time period during which operating, accounting, and financial records must be preserved by rail carriers, lessors, and persons furnishing cars.

"§ 11145. Reports by rail carriers, lessors, and associations

(a) The Board may require—

(1) rail carriers, lessors, and associations, or classes of them as the Board may prescribe, to file annual, periodic, and special reports with the Board containing answers to questions asked by it; and

(2) a person furnishing cars to a rail carrier to file reports with the Board containing answers to questions about those cars.

(b) (1) An annual report shall contain an account, in as much detail as the Board may require, of the affairs of the rail carrier, lessor, or association for the 12-month period ending on December 31 of each year.

(2) An annual report shall be filed with the Board by the end of the third month after the end of the year for which the report is made unless the Board extends the filing date or changes the period covered by the report. The annual report and, if the Board requires, any other report made under this section, shall be made under oath.

"SUBCHAPTER IV—RAILROAD COST ACCOUNTING

"§ 11161. Implementation of cost accounting principles

The Board shall periodically review its cost accounting rules and shall make such changes in those rules as are required to achieve the regulatory purposes of this part. The Board shall insure that the rules promulgated under this section are the most efficient and least burdensome means by which the required information may be developed for regulatory purposes. To the maximum extent practicable, the Board shall conform such rules to generally accepted accounting principles.

"§ 11162. Rail carrier cost accounting system

(a) Each rail carrier shall have and maintain a cost accounting system that is in compliance with the rules promulgated by the Board under section 11161 of this title. A rail carrier may, after notifying the Board, make modifications in such system unless, within 60 days after the date of notification, the Board finds such
modifications to be inconsistent with the rules promulgated by the Board under section 11161 of this title.

(b) For purposes of determining whether the cost accounting system of a rail carrier is in compliance with the rules promulgated by the Board, the Board shall have the right to examine and make copies of any documents, papers, or records of such rail carrier relating to compliance with such rules. Such documents, papers, and records (and any copies thereof) shall not be subject to the mandatory disclosure requirements of section 552 of title 5.

§ 11163. Cost availability

As required by the rules of the Board governing discovery in Board proceedings, rail carriers shall make relevant cost data available to shippers, States, ports, communities, and other interested parties that are a party to a Board proceeding in which such data are required.

§ 11164. Accounting and cost reporting

To obtain expense and revenue information for regulatory purposes, the Board may promulgate reasonable rules for rail carriers providing transportation subject to the jurisdiction of the Board under this part, prescribing expense and revenue accounting and reporting requirements consistent with generally accepted accounting principles uniformly applied to such carriers. Such requirements shall be cost effective and compatible with and not duplicative of the managerial and responsibility accounting requirements of those carriers.

CHAPTER 113—FINANCE

SUBCHAPTER I—EQUIPMENT TRUSTS AND SECURITY INTERESTS

Sec. 11301. Equipment trusts: recordation; evidence of indebtedness.

SUBCHAPTER II—COMBINATIONS

11321. Scope of authority.
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11323. Consolidation, merger, and acquisition of control: conditions of approval.
11324. Consolidation, merger, and acquisition of control: procedure.
11325. Employee protective arrangements in transactions involving rail carriers.
11326. Supplemental orders.
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SUBCHAPTER I—EQUIPMENT TRUSTS AND SECURITY INTERESTS

§ 11301. Equipment trusts: recordation; evidence of indebtedness

(a) A mortgage (other than a mortgage under chapter 313 of title 46), lease, equipment trust agreement, conditional sales agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of or security interest in vessels, railroad cars, locomotives, or other rolling stock, or accessories used on such railroad cars, locomotives, or other rolling stock (including superstructures and racks), intended for a use related to interstate commerce shall be filed with the Board in order to perfect the security interest that is the subject of such instrument. An assignment of a right or interest under one of those instruments and an amendment to that instrument or assignment including a release, discharge, or satisfaction of any part of it shall also be filed with the Board. The instrument, assignment, or amendment must be in writing, executed by the parties to it, and acknowledged or verified under Board regulations. When filed under this section, that document is notice to, and enforceable against, all persons. A document filed under this section does not have to be filed, deposited, registered, or recorded under another law of the United
Transportation Acts

Public Law 104–88—Dec. 29, 1995

Section 11321. Scope of authority

(a) The authority of the Board under this subchapter is exclusive. A rail carrier or corporation participating in or resulting from a transaction approved by or exempted by the Board under this subchapter may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A rail carrier, corporation, or person participating in that approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that rail carrier, corporation, or person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction. However, if a purchase and sale, a lease, or a corporate consolidation or merger is involved in the transaction, the carrier or corporation may carry out the transaction only with the assent of a majority, or the number required under applicable State law, of the votes of the holders of the capital stock of that corporation entitled to vote. The vote must occur at a regular meeting, or special meeting called for that purpose, of those stockholders and the notice of the meeting must indicate its purpose.

(b) A power granted under this subchapter to a carrier or corporation is in addition to and changes its powers under its corporate charter and under State law. Action under this subchapter
does not establish or provide for establishing a corporation under
the laws of the United States.

§ 11322. Limitation on pooling and division of transport-
tation or earnings

(a) A rail carrier providing transportation subject to the juris-
diction of the Board under this part may not agree or combine
with another of those rail carriers to pool or divide traffic or services
or any part of their earnings without the approval of the Board
under this section or section 11123 of this title. The Board may
approve and authorize the agreement or combination if the rail
carriers involved assent to the pooling or division and the Board
finds that a pooling or division of traffic, services, or earnings—

(1) will be in the interest of better service to the public
or of economy of operation; and

(2) will not unreasonably restrain competition.

(b) The Board may impose conditions governing the pooling
or division and may approve and authorize payment of a reasonable
consideration between the rail carriers.

(c) The Board may begin a proceeding under this section
on its own initiative or on application.

§ 11323. Consolidation, merger, and acquisition of control

(a) The following transactions involving rail carriers providing
transportation subject to the jurisdiction of the Board under this
part may be carried out only with the approval and authorization
of the Board:

(1) Consolidation or merger of the properties or franchises
of at least 2 rail carriers into one corporation for the ownership,
management, and operation of the previously separately owned
properties.

(2) A purchase, lease, or contract to operate property of
another rail carrier by any number of rail carriers.

(3) Acquisition of control of a rail carrier by any number
of rail carriers.

(4) Acquisition of control of at least 2 rail carriers by
a person that is not a rail carrier.

(5) Acquisition of control of a rail carrier by a person
that is not a rail carrier but that controls any number of
rail carriers.

(6) Acquisition by a rail carrier of trackage rights over,
or joint ownership in or joint use of, a railroad line (and
terminals incidental to it) owned or operated by another rail
carrier.

(b) A person may carry out a transaction referred to in sub-
section (a) of this section or participate in achieving the control
or management, including the power to exercise control or manage-
ment, in a common interest of more than one of those rail carriers,
regardless of how that result is reached, only with the approval
and authorization of the Board under this subchapter. In addition
to other transactions, each of the following transactions are consid-
ered achievements of control or management:

(1) A transaction by a rail carrier that has the effect
of putting that rail carrier and person affiliated with it, taken
together, in control of another rail carrier.

(2) A transaction by a person affiliated with a rail carrier
that has the effect of putting that rail carrier and persons
affiliated with it, taken together, in control of another rail
carrier.

(3) A transaction by at least 2 persons acting together
(one of whom is a rail carrier or is affiliated with a rail carrier)
that has the effect of putting those persons and rail carriers
and persons affiliated with any of them, or with any of those
affiliated rail carriers, taken together, in control of another
rail carrier.
“(c) A person is affiliated with a rail carrier under this subchapter if, because of the relationship between that person and a rail carrier, it is reasonable to believe that the affairs of another rail carrier, control of which may be acquired by that person, will be managed in the interest of the other rail carrier.

“§ 11324. Consolidation, merger, and acquisition of control: conditions of approval

“(a) The Board may begin a proceeding to approve and authorize a transaction referred to in section 11323 of this title on application of the person seeking that authority. When an application is filed with the Board, the Board shall notify the chief executive officer of each State in which property of the rail carriers involved in the proposed transaction is located and shall notify those rail carriers. The Board shall hold a public hearing unless the Board determines that a public hearing is not necessary in the public interest.

“(b) In a proceeding under this section which involves the merger or control of at least two Class I railroads, as defined by the Board, the Board shall consider at least—

“(1) the effect of the proposed transaction on the adequacy of transportation to the public;

“(2) the effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction;

“(3) the total fixed charges that result from the proposed transaction;

“(4) the interest of rail carrier employees affected by the proposed transaction; and

“(5) whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region or in the national rail system.

“(c) The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board may impose conditions governing the transaction, including the divestiture of parallel tracks or requiring the granting of trackage rights and access to other facilities. Any trackage rights and related conditions imposed to alleviate anticompetitive effects of the transaction shall provide for operating terms and compensation levels to ensure that such effects are alleviated. When the transaction contemplates a guaranty or assumption of payment of dividends or of fixed charges or will result in an increase of total fixed charges, the Board may approve and authorize the transaction only if it finds that the guaranty, assumption, or increase is consistent with the public interest. The Board may require inclusion of other rail carriers located in the area involved in the transaction if they apply for inclusion and the Board finds their inclusion to be consistent with the public interest.

“(d) In a proceeding under this section which does not involve the merger or control of at least two Class I railroads, as defined by the Board, the Board shall approve such an application unless it finds that—

“(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

“(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs. In making such findings, the Board shall, with respect to any application that is part of a plan or proposal developed under section 333(a)–(d) of this title, accord substantial weight to any recommendations of the Attorney General.

“(e) No transaction described in section 11326(b) may have the effect of avoiding a collective bargaining agreement or shifting
work from a rail carrier with a collective bargaining agreement to a rail carrier without a collective bargaining agreement.

“(f)(1) To the extent provided in this subsection, a proceeding under this subchapter relating to a transaction involving at least one Class I rail carrier shall not be considered an adjudication required by statute to be determined on the record after opportunity for an agency hearing, for the purposes of subchapter II of chapter 5 of title 5, United States Code.

“(2) Ex parte communications, as defined in section 551(14) of title 5, United States Code, shall be permitted in proceedings described in paragraph (1) of this subsection, subject to the requirements of paragraph (3) of this subsection.

“(3)(A) Any member or employee of the Board who makes or receives a written ex parte communication concerning the merits of a proceeding described in paragraph (1) shall promptly place the communication in the public docket of the proceeding.

“(B) Any member or employee of the Board who makes or receives an oral ex parte communication concerning the merits of a proceeding described in paragraph (1) shall promptly place a written summary of the oral communication in the public docket of the proceeding.

“(4) Nothing in this subsection shall be construed to require the Board or any of its members or employees to engage in any ex parte communication with any person. Nothing in this subsection or any other law shall be construed to limit the authority of the members or employees of the Board, in their discretion, to note in the docket or otherwise publicly the occurrence and substance of an ex parte communication.

§ 11325. Consolidation, merger, and acquisition of control: procedure

“(a) The Board shall publish notice of the application under section 11324 in the Federal Register by the end of the 30th day after the application is filed with the Board. However, if the application is incomplete, the Board shall reject it by the end of that period. The order of rejection is a final action of the Board. The published notice shall indicate whether the application involves—

“(1) the merger or control of at least two Class I railroads, as defined by the Board, to be decided within the time limits specified in subsection (b) of this section;

“(2) transactions of regional or national transportation significance, to be decided within the time limits specified in subsection (c) of this section; or

“(3) any other transaction covered by this section, to be decided within the time limits specified in subsection (d) of this section.

“(b) If the application involves the merger or control of two or more Class I railroads, as defined by the Board, the following conditions apply:

“(1) Written comments about an application may be filed with the Board within 45 days after notice of the application is published under subsection (a) of this section. Copies of such comments shall be served on the Attorney General and the Secretary of Transportation, who may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Board by the end of the 15th day after the date of receipt of the written comments.

“(2) The Board shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in
the transaction, be filed with it by the 90th day after publication of notice under that subsection.

“(3) The Board must conclude evidentiary proceedings by the end of 1 year after the date of publication of notice under subsection (a) of this section. The Board must issue a final decision by the 90th day after the date on which it concludes the evidentiary proceedings.

“(c) If the application involves a transaction other than the merger or control of at least two Class I railroads, as defined by the Board, which the Board has determined to be of regional or national transportation significance, the following conditions apply:

“(1) Written comments about an application, including comments of the Attorney General and the Secretary of Transportation, may be filed with the Board within 30 days after notice of the application is published under subsection (a) of this section.

“(2) The Board shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it by the 60th day after publication of notice under that subsection.

“(3) The Board must conclude any evidentiary proceedings by the 180th day after the date of publication of notice under subsection (a) of this section. The Board must issue a final decision by the 90th day after the date on which it concludes the evidentiary proceedings.

“(d) For all applications under this section other than those specified in subsections (b) and (c) of this section, the following conditions apply:

“(1) Written comments about an application, including comments of the Attorney General and the Secretary of Transportation, may be filed with the Board within 30 days after notice of the application is published under subsection (a) of this section.

“(2) The Board must conclude any evidentiary proceedings by the 105th day after the date of publication of notice under subsection (a) of this section. The Board must issue a final decision by the 45th day after the date on which it concludes the evidentiary proceedings.

“§ 11326. Employee protective arrangements in transactions involving rail carriers

“(a) Except as otherwise provided in this section, when approval is sought for a transaction under sections 11324 and 11325 of this title, the Board shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 5(2)(f) of the Interstate Commerce Act before February 5, 1976, and the terms established under section 24706(c) of this title. Notwithstanding this part, the arrangement may be made by the rail carrier and the authorized representative of its employees. The arrangement and the order approving the transaction must require that the employees of the affected rail carrier will not be in a worse position related to their employment as a result of the transaction during the 4 years following the effective date of the final action of the Board (or if an employee was employed for a lesser period of time by the rail carrier before the action became effective, for that lesser period).

“(b) When approval is sought under sections 11324 and 11325 for a transaction involving one Class II and one or more Class III rail carriers, there shall be an arrangement as required under subsection (a) of this section, except that such arrangement shall be limited to one year of severance pay, which shall not exceed the amount of earnings from the railroad employment of that
employee during the 12-month period immediately preceding the
date on which the application for approval of such transaction
is filed with the Board. The amount of such severance pay shall
be reduced by the amount of earnings from railroad employment
of that employee with the acquiring carrier during the 12-month
period immediately following the effective date of the transaction.
The parties may agree to terms other than as provided in this
subsection.

"(c) When approval is sought under sections 11324 and 11325
for a transaction involving only Class III rail carriers, this section
shall not apply.

"§ 11327. Supplemental orders

"When cause exists, the Board may make appropriate orders
supplemental to an order made in a proceeding under sections
11322 through 11326 of this title.

"§ 11328. Restrictions on officers and directors

"(a) A person may hold the position of officer or director of
more than one rail carrier only when authorized by the Board.
The Board may authorize a person to hold the position of officer
or director of more than one of those carriers when public or
private interests will not be adversely affected.

"(b) This section shall not apply to an individual holding the
position of officer or director only of Class III rail carriers.

"CHAPTER 115—FEDERAL-STATE RELATIONS

"Sec.

"11501. Tax discrimination against rail transportation property.

"11502. Withholding State and local income tax by rail carriers.

"§ 11501. Tax discrimination against rail transportation
property

"(a) In this section—

"(1) the term 'assessment' means valuation for a property
tax levied by a taxing district;

"(2) the term 'assessment jurisdiction' means a geographical
area in a State used in determining the assessed value of
property for ad valorem taxation;

"(3) the term 'rail transportation property' means property,
as defined by the Board, owned or used by a rail carrier
providing transportation subject to the jurisdiction of the Board
under this part; and

"(4) the term 'commercial and industrial property' means
property, other than transportation property and land used
primarily for agricultural purposes or timber growing, devoted
to a commercial or industrial use and subject to a property
tax levy.

"(b) The following acts unreasonably burden and discriminate
against interstate commerce, and a State, subdivision of a State,
or authority acting for a State or subdivision of a State may not
do any of them:

"(1) Assess rail transportation property at a value that
has a higher ratio to the true market value of the rail transpor-
tation property than the ratio that the assessed value of other
commercial and industrial property in the same assessment
jurisdiction has to the true market value of the other commer-
cial and industrial property.

"(2) Levy or collect a tax on an assessment that may
not be made under paragraph (1) of this subsection.

"(3) Levy or collect an ad valorem property tax on rail
transportation property at a tax rate that exceeds the tax
rate applicable to commercial and industrial property in the
same assessment jurisdiction.
``(4) Impose another tax that discriminates against a rail carrier providing transportation subject to the jurisdiction of the Board under this part.
``(c) Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section. Relief may be granted under this subsection only if the ratio of assessed value to true market value of rail transportation property exceeds by at least 5 percent the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction. The burden of proof in determining assessed value and true market value is governed by State law. If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—
``(1) an assessment of the rail transportation property at a value that has a higher ratio to the true market value of the rail transportation property than the assessed value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all other commercial and industrial property; and
``(2) the collection of an ad valorem property tax on the rail transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.

§ 11502. Withholding State and local income tax by rail carriers

``(a) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Board under this part to an employee who performs regularly assigned duties as such an employee on a railroad in more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee’s residence.
``(b) A rail carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee.

CHAPTER 117—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

§ 11701. General authority

``(a) Except as otherwise provided in this part, the Board may begin an investigation under this part only on complaint. If the Board finds that a rail carrier is violating this part, the Board shall take appropriate action to compel compliance with this part.
``(b) A person, including a governmental authority, may file with the Board a complaint about a violation of this part by a rail carrier providing transportation or service subject to the jurisdiction of the Board under this part. The complaint must state
the facts that are the subject of the violation. The Board may
dismiss a complaint it determines does not state reasonable grounds
for investigation and action. However, the Board may not dismiss
a complaint made against a rail carrier providing transportation
subject to the jurisdiction of the Board under this part because
of the absence of direct damage to the complainant.

"(c) A formal investigative proceeding begun by the Board under
subsection (a) of this section is dismissed automatically unless
it is concluded by the Board with administrative finality by the
end of the third year after the date on which it was begun.

"§ 11702. Enforcement by the Board

"The Board may bring a civil action—

"(1) to enjoin a rail carrier from violating sections 10901
through 10906 of this title, or a regulation prescribed or order
or certificate issued under any of those sections;

"(2) to enforce subchapter II of chapter 113 of this title
and to compel compliance with an order of the Board under
that subchapter; and

"(3) to enforce an order of the Board, except a civil action
to enforce an order for the payment of money, when it is
violated by a rail carrier providing transportation subject to
the jurisdiction of the Board under this part.

"§ 11703. Enforcement by the Attorney General

"(a) The Attorney General may, and on request of the Board
shall, bring court proceedings to enforce this part, or a regulation
or order of the Board or certificate issued under this part, and
to prosecute a person violating this part or a regulation or order
of the Board or certificate issued under this part.

"(b) The United States Government may bring a civil action
on behalf of a person to compel a rail carrier providing transpor-
tation subject to the jurisdiction of the Board under this part
to provide that transportation to that person in compliance with
this part at the same rate charged, or on conditions as favorable
as those given by the rail carrier, for like traffic under similar
conditions to another person.

"§ 11704. Rights and remedies of persons injured by rail
carriers

"(a) A person injured because a rail carrier providing transpor-
tation or service subject to the jurisdiction of the Board under
this part does not obey an order of the Board, except an order
for the payment of money, may bring a civil action in a United
States District Court to enforce that order under this subsection.

"(b) A rail carrier providing transportation subject to the juris-
diction of the Board under this part is liable for damages sustained
by a person as a result of an act or omission of that carrier
in violation of this part. A rail carrier providing transportation
subject to the jurisdiction of the Board under this part is liable
to a person for amounts charged that exceed the applicable rate
for the transportation.

"(c)(1) A person may file a complaint with the Board under
section 11701(b) of this title or bring a civil action under subsection
(b) of this section to enforce liability against a rail carrier providing
transportation subject to the jurisdiction of the Board under this
part.

"(2) When the Board makes an award under subsection (b)
of this section, the Board shall order the rail carrier to pay the
amount awarded by a specific date. The Board may order a rail
carrier providing transportation subject to the jurisdiction of the
Board under this part to pay damages only when the proceeding
is on complaint. The person for whose benefit an order of the
Board requiring the payment of money is made may bring a civil
action to enforce that order under this paragraph if the rail carrier
does not pay the amount awarded by the date payment was ordered to be made.

"(d)(1) When a person begins a civil action under subsection (b) of this section to enforce an order of the Board requiring the payment of damages by a rail carrier providing transportation subject to the jurisdiction of the Board under this part, the text of the order of the Board must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Board are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district—

"(A) in which the plaintiff resides;

"(B) in which the principal operating office of the rail carrier is located; or

"(C) through which the railroad line of that carrier runs.

In a civil action brought in a district court of the United States under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

"(2) All parties in whose favor the award was made may be joined as plaintiffs in a civil action brought in a district court of the United States under this subsection and all the rail carriers that are parties to the order awarding damages may be joined as defendants. Trial in the action is in the judicial district in which any one of the plaintiffs could bring the action against any one of the defendants. Process may be served on a defendant at its principal operating office when that defendant is not in the district in which the action is brought. A judgment ordering recovery may be made in favor of any of those plaintiffs against the defendant found to be liable to that plaintiff.

"(3) The district court shall award a reasonable attorney's fee as a part of the damages for which a rail carrier is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.

"§ 11705. Limitation on actions by and against rail carriers

"(a) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part must begin a civil action to recover charges for transportation or service provided by the carrier within 3 years after the claim accrues.

"(b) A person must begin a civil action to recover overcharges under section 11704(b) of this title within 3 years after the claim accrues, whether or not a complaint is filed under section 11704(c)(1).

"(c) A person must file a complaint with the Board to recover damages under section 11704(b) of this title within 2 years after the claim accrues.

"(d) The limitation period under subsection (b) of this section is extended for 6 months from the time written notice is given to the claimant by the rail carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the rail carrier within that limitation period. The limitation periods under subsections (b) and (c) of this section are extended for 90 days from the time the rail carrier begins a civil action under subsection (a) of this section to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

"(e) A person must begin a civil action to enforce an order of the Board against a rail carrier for the payment of money within one year after the date the order required the money to be paid.

"(f) This section applies to transportation for the United States Government. The time limitations under this section are extended,
as related to transportation for or on behalf of the United States Government, for 3 years from the date of—

“(1) payment of the rate for the transportation or service involved;
“(2) subsequent refund for overpayment of that rate; or
“(3) deduction made under section 3726 of title 31, whichever is later.
“(g) A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the rail carrier.

§11706. Liability of rail carriers under receipts and bills of lading

“(a) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part shall issue a receipt or bill of lading for property it receives for transportation under this part. That rail carrier and any other carrier that delivers the property and is providing transportation or service subject to the jurisdiction of the Board under this part are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this subsection is for the actual loss or injury to the property caused by—
“(1) the receiving rail carrier;
“(2) the delivering rail carrier; or
“(3) another rail carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading.

Failure to issue a receipt or bill of lading does not affect the liability of a rail carrier. A delivering rail carrier is deemed to be the rail carrier performing the line-haul transportation nearest the destination but does not include a rail carrier providing only a switching service at the destination.

“(b) The rail carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the rail carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

“(c)(1) A rail carrier may not limit or be exempt from liability imposed under subsection (a) of this section except as provided in this subsection. A limitation of liability or of the amount of recovery or representation or agreement in a receipt, bill of lading, contract, or rule in violation of this section is void.
“(2) A rail carrier of passengers may limit its liability under its passenger rate for loss or injury of baggage carried on trains carrying passengers.
“(3) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part may establish rates for transportation of property under which—
“(A) the liability of the rail carrier for such property is limited to a value established by written declaration of the shipper or by a written agreement between the shipper and the carrier; or
“(B) specified amounts are deducted, pursuant to a written agreement between the shipper and the carrier, from any claim against the carrier with respect to the transportation of such property.
“(d)(1) A civil action under this section may be brought in a district court of the United States or in a State court.
“(2)(A) A civil action under this section may only be brought—
“(i) against the originating rail carrier, in the judicial district in which the point of origin is located;
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“(ii) against the delivering rail carrier, in the judicial district in which the principal place of business of the person bringing the action is located if the delivering carrier operates a railroad or a route through such judicial district, or in the judicial district in which the point of destination is located; and

“(iii) against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

“(B) In this section, ‘judicial district’ means (i) in the case of a United States district court, a judicial district of the United States, and (ii) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

“(e) A rail carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice. For the purposes of this subsection—

“(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

“(2) communications received from a carrier’s insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reasons for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

§ 11707. Liability when property is delivered in violation of routing instructions

“(a)(1) When a rail carrier providing transportation subject to the jurisdiction of the Board under this part diverts or delivers property to another rail carrier in violation of routing instructions in the bill of lading, both of those rail carriers are jointly and severally liable to the rail carrier that was deprived of its right to participate in hauling that property for the total amount of the rate it would have received if it participated in hauling the property.

“(2) A rail carrier is not liable under paragraph (1) of this subsection when it diverts or delivers property in compliance with an order or regulation of the Board.

“(3) A rail carrier to whom property is transported is not liable under this subsection if it shows that it had no notice of the routing instructions before transporting the property. The burden of proving lack of notice is on that rail carrier.

“(b) The court shall award a reasonable attorney’s fee to the plaintiff in a judgment against the defendant rail carrier under subsection (a) of this section. The court shall tax and collect that fee as a part of the costs of the action.

“CHAPTER 119—CIVIL AND CRIMINAL PENALTIES

§ 11901. General civil penalties

“(a) Except as otherwise provided in this section, a rail carrier providing transportation subject to the jurisdiction of the Board
under this part, an officer or agent of that rail carrier, or a receiver, trustee, lessee, or agent of one of them, knowingly violating this part or an order of the Board under this part is liable to the United States Government for a civil penalty of not more than $5,000 for each violation. Liability under this subsection is incurred for each distinct violation. A separate violation occurs for each day the violation continues.

“(b) A rail carrier providing transportation subject to the jurisdiction of the Board under this part, or a receiver or trustee of that rail carrier, violating a regulation or order of the Board under section 11124(a)(2) or (b) of this title is liable to the United States Government for a civil penalty of $500 for each violation and for $25 for each day the violation continues.

“(c) A person knowingly authorizing, consenting to, or permitting a violation of sections 10901 through 10906 of this title or of a requirement or a regulation under any of those sections, is liable to the United States Government for a civil penalty of not more than $5,000.

“(d) A rail carrier, receiver, or operating trustee violating an order or direction of the Board under section 11123 or 11124(a)(1) of this title is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation and for $50 for each day the violation continues.

“(e)(1) A person required under subchapter III of chapter 111 of this title to make, prepare, preserve, or submit to the Board a record concerning transportation subject to the jurisdiction of the Board under this part that does not make, prepare, preserve, or submit that record as required under that subchapter, is liable to the United States Government for a civil penalty of $500 for each violation.

“(2) A rail carrier providing transportation subject to the jurisdiction of the Board under this part, and a lessor, receiver, or trustee of that rail carrier, violating section 11144(b)(1) of this title, is liable to the United States Government for a civil penalty of $100 for each violation.

“(3) A rail carrier providing transportation subject to the jurisdiction of the Board under this part, a lessor, receiver, or trustee of that rail carrier, a person furnishing cars, and an officer, agent, or employee of one of them, required to make a report to the Board or answer a question that does not make the report or does not specifically, completely, and truthfully answer the question, is liable to the United States Government for a civil penalty of $100 for each violation.

“(4) A separate violation occurs for each day a violation under this subsection continues.

“(f) Trial in a civil action under subsections (a) through (e) of this section is in the judicial district in which the rail carrier has its principal operating office or in a district through which the railroad of the rail carrier runs.

§ 11902. Interference with railroad car supply

“(a) A person that offers or gives anything of value to another person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Board under this part intending to influence an action of that other person related to supply, distribution, or movement of cars, vehicles, or vessels used in the transportation of property, or because of the action of that other person, shall be fined not more than $1,000, imprisoned for not more than 2 years, or both.

“(b) A person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Board under this part that solicits, accepts, or receives anything of value—

“(1) intending to be influenced by it in an action of that person related to supply, distribution, or movement of cars,
vehicles, or vessels used in the transportation of property; or

“(2) because of the action of that person,
shall be fined not more than $1,000, imprisoned for not more
than 2 years, or both.

§ 11903. Record keeping and reporting violations

“A person required to make a report to the Board, or make,
prepare, or preserve a record, under subchapter III of chapter
111 of this title about transportation subject to the jurisdiction
of the Board under this part that knowingly and willfully—

“(1) makes a false entry in the report or record;
“(2) destroys, mutilates, changes, or by another means fals-
sifies the record;
“(3) does not enter business related facts and transactions
in the record;
“(4) makes, prepares, or preserves the record in violation
of a regulation or order of the Board; or
“(5) files a false report or record with the Board,
shall be fined not more than $5,000, imprisoned for not more
than 2 years, or both.

§ 11904. Unlawful disclosure of information

“(a) A—

“(1) rail carrier providing transportation subject to the
jurisdiction of the Board under this part, or an officer, agent,
or employee of that rail carrier, or another person authorized
to receive information from that rail carrier, that knowingly
discloses to another person, except the shipper or consignee;
or

“(2) a person who solicits or knowingly receives,
information described in subsection (b) without the consent of the
shipper or consignee shall be fined not more than $1,000.

“(b) The information referred to in subsection (a) is information
about the nature, kind, quantity, destination, consignee, or routing
of property tendered or delivered to that rail carrier for transpor-
tation provided under this part, or information about the contents
of a contract authorized under section 10709 of this title, that
may be used to the detriment of the shipper or consignee or may
disclose improperly, to a competitor, the business transactions of
the shipper or consignee.

“(c) This part does not prevent a rail carrier providing transpor-
tation subject to the jurisdiction of the Board under this part
from giving information—

“(1) in response to legal process issued under authority
of a court of the United States or a State;
“(2) to an officer, employee, or agent of the United States
Government, a State, or a territory or possession of the United
States; or
“(3) to another rail carrier or its agent to adjust mutual
traffic accounts in the ordinary course of business.

“(d) An employee of the Board delegated to make an inspection
or examination under section 11144 of this title who knowingly
discloses information acquired during that inspection or examina-
tion, except as directed by the Board, a court, or a judge of that
court, shall be fined not more than $500, imprisoned for not more
than 6 months, or both.

“(e) A person that knowingly discloses confidential data made
available to such person under section 11163 of this title by a
rail carrier providing transportation subject to the jurisdiction
of the Board under this part shall be fined not more than $50,000.

§ 11905. Disobedience to subpoenas

“A person not obeying a subpoena or requirement of the Board
to appear and testify or produce records shall be fined at least
§ 11906. General criminal penalty when specific penalty not provided

"When another criminal penalty is not provided under this chapter, a rail carrier providing transportation subject to the jurisdiction of the Board under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined not more than $5,000. The person may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of this title continues.

§ 11907. Punishment of corporation for violations committed by certain individuals

"An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a rail carrier providing transportation or service subject to the jurisdiction of the Board under this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that rail carrier are considered to be the actions and omissions of that rail carrier as well as that individual.

§ 11908. Relation to other Federal criminal penalties

"Notwithstanding section 3571 of title 18, United States Code, the criminal penalties provided for in this chapter are the exclusive criminal penalties for violations of this part."

(b) CONFORMING AMENDMENT.—The item relating to subtitle IV in the table of subtitles of title 49, United States Code, is amended by striking "Commerce" and inserting in lieu thereof "Transportation".

SEC. 103. MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER PROVISIONS.

Subtitle IV of title 49, United States Code, is further amended by adding at the end the following:

"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

CHAPTER 131—GENERAL PROVISIONS

Sec.
13101. Transportation policy.
13102. Definitions.
13103. Remedies as cumulative.

§ 13101. Transportation policy

"(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to oversee the modes of transportation and—

"(1) in overseeing those modes—

"(A) to recognize and preserve the inherent advantage of each mode of transportation;

"(B) to promote safe, adequate, economical, and efficient transportation;
"(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

"(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or destructive competitive practices;

"(E) to cooperate with each State and the officials of each State on transportation matters; and

"(F) to encourage fair wages and working conditions in the transportation industry;

"(2) in overseeing transportation by motor carrier, to promote competitive and efficient transportation services in order to—

"(A) encourage fair competition, and reasonable rates for transportation by motor carriers of property;

"(B) promote efficiency in the motor carrier transportation system and to require fair and expeditious decisions when required;

"(C) meet the needs of shippers, receivers, passengers, and consumers;

"(D) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public;

"(E) allow the most productive use of equipment and energy resources;

"(F) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions;

"(G) provide and maintain service to small communities and small shippers and intrastate bus services;

"(H) provide and maintain commuter bus operations;

"(I) improve and maintain a sound, safe, and competitive privately owned motor carrier system;

"(J) promote greater participation by minorities in the motor carrier system;

"(K) promote intermodal transportation;

"(3) in overseeing transportation by motor carrier of passengers—

"(A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this part;

"(B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this part; and

"(C) to ensure that Federal reform initiatives enacted by section 31138 and the Bus Regulatory Reform Act of 1982 are not nullified by State regulatory actions; and

"(4) in overseeing transportation by water carrier, to encourage and promote service and price competition in the noncontiguous domestic trade.

"(b) Administration to Carry Out Policy.—This part shall be administered and enforced to carry out the policy of this section and to promote the public interest.

§ 13102. Definitions

"In this part, the following definitions shall apply:

"(1) Board.—The term `Board' means the Surface Transportation Board.

"(2) Broker.—The term 'broker' means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement,
or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.

(3) CARRIER.—The term ‘carrier’ means a motor carrier, a water carrier, and a freight forwarder.

(4) CONTRACT CARRIAGE.—The term ‘contract carriage’ means—

“A) for transportation provided before the effective date of this section, service provided pursuant to a permit issued under section 10923, as in effect on the day before the effective date of this section; and

“B) for transportation provided on or after such date, service provided under an agreement entered into under section 14101(b).

(5) CONTROL.—The term ‘control’, when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by—

“A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or

“B) any other means.

(6) FOREIGN MOTOR CARRIER.—The term ‘foreign motor carrier’ means a person (including a motor carrier of property but excluding a motor private carrier)—

“(A)(i) that is domiciled in a contiguous foreign country; or

“(ii) that is owned or controlled by persons of a contiguous foreign country; and

“(B) in the case of a person that is not a motor carrier of property, that provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a motor carrier of property (other than a motor private carrier or a motor carrier of property described in subparagraph (A)).

(7) FOREIGN MOTOR PRIVATE CARRIER.—The term ‘foreign motor private carrier’ means a person (including a motor private carrier but excluding a motor carrier of property)—

“(A)(i) that is domiciled in a contiguous foreign country; or

“(ii) that is owned or controlled by persons of a contiguous foreign country; and

“(B) in the case of a person that is not a motor private carrier, that provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a person (other than a motor carrier of property or a motor private carrier described in subparagraph (A)).

(8) FREIGHT FORWARDER.—The term ‘freight forwarder’ means a person holding itself out to the general public (other than as a pipeline, rail, motor, or water carrier) to provide transportation of property for compensation and in the ordinary course of its business—

“A) assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;

“(B) assumes responsibility for the transportation from the place of receipt to the place of destination; and

“(C) uses for any part of the transportation a carrier subject to jurisdiction under this subtitle.

The term does not include a person using transportation of an air carrier subject to part A of subtitle VII.

(9) HIGHWAY.—The term ‘highway’ means a road, highway, street, and way in a State.

(10) HOUSEHOLD GOODS.—The term ‘household goods’, as used in connection with transportation, means personal effects and property used or to be used in a dwelling, when a part
of the equipment or supply of such dwelling, and similar property if the transportation of such effects or property is—

“(A) arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or

“(B) arranged and paid for by another party.

“(11) HOUSEHOLD GOODS FREIGHT FORWARDER.—The term ‘household goods freight forwarder’ means a freight forwarder of one or more of the following items: household goods, unaccompanied baggage, or used automobiles.

“(12) MOTOR CARRIER.—The term ‘motor carrier’ means a person providing motor vehicle transportation for compensation.

“(13) MOTOR PRIVATE CARRIER.—The term ‘motor private carrier’ means a person, other than a motor carrier, transporting property by motor vehicle when—

“(A) the transportation is as provided in section 13501 of this title;

“(B) the person is the owner, lessee, or bailee of the property being transported; and

“(C) the property is being transported for sale, lease, rent, or bailment or to further a commercial enterprise.

“(14) MOTOR VEHICLE.—The term ‘motor vehicle’ means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in transportation, or a combination determined by the Secretary, but does not include a vehicle, locomotive, or car operated only on a rail, or a trolley bus operated by electric power from a fixed overhead wire, and providing local passenger transportation similar to street-railway service.

“(15) NONCONTIGUOUS DOMESTIC TRADE.—The term ‘noncontiguous domestic trade’ means transportation subject to jurisdiction under chapter 135 involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States.

“(16) PERSON.—The term ‘person’, in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(18) STATE.—The term ‘State’ means the 50 States of the United States and the District of Columbia.

“(19) TRANSPORTATION.—The term ‘transportation’ includes—

“(A) a motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and

“(B) services related to that movement, including arranging for, receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, packing, unpacking, and interchange of passengers and property.

“(20) UNITED STATES.—The term ‘United States’ means the States of the United States and the District of Columbia.

“(21) VESSEL.—The term ‘vessel’ means a watercraft or other artificial contrivance that is used, is capable of being used, or is intended to be used, as a means of transportation by water.

“(22) WATER CARRIER.—The term ‘water carrier’ means a person providing water transportation for compensation.
§ 13103. Remedies as cumulative

"Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or common law.

CHAPTER 133—ADMINISTRATIVE PROVISIONS

§ 13301. Powers

(a) General Powers of Secretary.—Except as otherwise specified, the Secretary shall carry out this part. Enumeration of a power of the Secretary in this part does not exclude another power the Secretary may have in carrying out this part. The Secretary may prescribe regulations in carrying out this part.

(b) Obtaining Information.—The Secretary may obtain from carriers providing, and brokers for, transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker, information the Secretary decides is necessary to carry out this part.

(c) Subpoena Power.—

(1) By Secretary.—The Secretary may subpoena witnesses and records related to a proceeding under this part from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Secretary, or a party to a proceeding under this part, may petition a court of the United States to enforce that subpoena.

(2) Enforcement.—The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

(d) Testimony of Witnesses.—

(1) Procedure for taking testimony.—In a proceeding under this part, the Secretary may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending under this part may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

(2) Subpoena.—If a witness fails to be deposed or to produce records under paragraph (1) of this subsection, the Secretary may subpoena the witness to take a deposition, produce the records, or both.

(3) Depositions.—A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

(4) Notice of deposition.—Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

(5) Transcript.—The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a tran-
script of the testimony taken. The transcript shall be subscribed by the deponent.

(6) FOREIGN COUNTRY.—The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Secretary or agreed on by the parties by written stipulation filed with the Secretary. A deposition shall be filed with the Secretary promptly.

(e) WITNESS FEES.—Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

(f) POWERS OF BOARD.—For those provisions of this part that are specified to be carried out by the Board, the Board shall have the same powers as the Secretary has under this section.

§ 13302. Intervention

Under regulations of the Secretary, reasonable notice of, and an opportunity to intervene and participate in, a proceeding under this part related to transportation subject to jurisdiction under subchapter I of chapter 135 shall be given to interested persons.

§ 13303. Service of notice in proceedings

(a) AGENTS FOR SERVICE OF PROCESS.—A carrier, a broker, or a freight forwarder providing transportation or service subject to jurisdiction under chapter 135 shall designate, in writing, an agent by name and post office address on whom service of notices in a proceeding before, and of actions of, the Secretary may be made.

(b) FILING WITH STATE.—A motor carrier providing transportation under this part shall also file the designation with the appropriate authority of each State in which it operates. The designation may be changed at any time in the same manner as originally made.

(c) NOTICE.—A notice to a motor carrier, freight forwarder, or broker shall be served personally or by mail on the motor carrier, freight forwarder, or broker or on its designated agent. Service by mail on the designated agent shall be made at the address filed for the agent. When notice is given by mail, the date of mailing is considered to be the time when the notice is served. If a motor carrier, freight forwarder, or broker does not have a designated agent, service may be made by posting a copy of the notice at the headquarters of the Department of Transportation.

§ 13304. Service of process in court proceedings

(a) DESIGNATION OF AGENT.—A motor carrier or broker providing transportation subject to jurisdiction under chapter 135, including a motor carrier or broker operating within the United States while providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, shall designate an agent in each State in which it operates by name and post office address on whom process issued by a court with subject matter jurisdiction may be served in an action brought against that carrier or broker. The designation shall be in writing and filed with the Department of Transportation and each State in which the carrier operates may require that an additional designation be filed with it. If a designation under this subsection is not made, service may be made on any agent of the carrier or broker within that State.

(b) CHANGE.—A designation under this section may be changed at any time in the same manner as originally made.
CHAPTER 135—JURISDICTION

SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

§ 13501. General jurisdiction

"The Secretary and the Board have jurisdiction, as specified in this part, over transportation by motor carrier and the procurement of that transportation, to the extent that passengers, property, or both, are transported by motor carrier—

"(1) between a place in—

"(A) a State and a place in another State;

"(B) a State and another place in the same State through another State;

"(C) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

"(D) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

"(E) the United States and a place in a foreign country to the extent the transportation is in the United States; and

"(2) in a reservation under the exclusive jurisdiction of the United States or on a public highway.

§ 13502. Exempt transportation between Alaska and other States

"To the extent that transportation by a motor carrier between a place in Alaska and a place in another State under section 13501 is provided in a foreign country—

"(1) neither the Secretary nor the Board has jurisdiction to impose a requirement over conduct of the motor carrier in the foreign country conflicting with a requirement of that country; but

"(2) the motor carrier, as a condition of providing transportation in the United States, shall comply, with respect to all transportation provided between Alaska and the other State, with the requirements of this part related to rates and practices applicable to the transportation.

§ 13503. Exempt motor vehicle transportation in terminal areas

"(a) Transportation by Carriers.—

"(1) In general.—Neither the Secretary nor the Board has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

"(A) is a transfer, collection, or delivery;
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“(B) is provided by—
“(i) a rail carrier subject to jurisdiction under chapter 105;
“(ii) a water carrier subject to jurisdiction under subchapter II of this chapter; or
“(iii) a freight forwarder subject to jurisdiction under subchapter III of this chapter; and
“(C) is incidental to transportation or service provided by the carrier or freight forwarder that is subject to jurisdiction under chapter 105 of this title or subchapter II or III of this chapter.

“(2) APPLICABILITY OF OTHER PROVISIONS.—Transportation exempt from jurisdiction under paragraph (1) of this subsection is subject to jurisdiction under chapter 105 when provided by such a rail carrier, under subchapter II of this chapter when provided by such a water carrier, and under subchapter III of this chapter when provided by such a freight forwarder.

“(b) TRANSPORTATION BY AGENT.—

“(1) IN GENERAL.—Except to the extent provided by paragraph (2) of this subsection, neither the Secretary nor the Board has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—
“(A) is a transfer, collection, or delivery; and
“(B) is provided by a person as an agent or under other arrangement for—
“(i) a rail carrier subject to jurisdiction under chapter 105 of this title;
“(ii) a motor carrier subject to jurisdiction under this subchapter;
“(iii) a water carrier subject to jurisdiction under subchapter II of this chapter; or
“(iv) a freight forwarder subject to jurisdiction under subchapter III of this chapter.

“(2) TREATMENT OF TRANSPORTATION BY PRINCIPAL.—Transportation exempt from jurisdiction under paragraph (1) of this subsection is considered transportation provided by the carrier or service provided by the freight forwarder for whom the transportation was provided and is subject to jurisdiction under chapter 105 of this title when provided for such a rail carrier, under this subchapter when provided for such a motor carrier, under subchapter II of this chapter when provided for such a water carrier, and under subchapter III of this chapter when provided for such a freight forwarder.

“§ 13504. Exempt motor carrier transportation entirely in one State

“Neither the Secretary nor the Board has jurisdiction under this subchapter over transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii. The State of Hawaii may regulate transportation exempt from jurisdiction under this section and, to the extent provided by a motor carrier operating solely within the State of Hawaii, transportation exempt under section 13503 of this title.

“§ 13505. Transportation furthering a primary business

“(a) IN GENERAL.—Neither the Secretary nor the Board has jurisdiction under this part over the transportation of property by motor vehicle when—
“(1) the property is transported by a person engaged in a business other than transportation; and
“(2) the transportation is within the scope of, and furthers a primary business (other than transportation) of the person.
“(b) CORPORATE FAMILIES.—
"(1) IN GENERAL.—Neither the Secretary nor the Board has jurisdiction under this part over transportation of property by motor vehicle for compensation provided by a person who is a member of a corporate family for other members of such corporate family.

"(2) DEFINITION.—In this section, "corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest.

§ 13506. Miscellaneous motor carrier transportation exemptions

"(a) IN GENERAL.—Neither the Secretary nor the Board has jurisdiction under this part over—

"(1) a motor vehicle transporting only school children and teachers to or from school;

"(2) a motor vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;

"(3) a motor vehicle owned or operated by or for a hotel and only transporting hotel patrons between the hotel and the local station of a carrier;

"(4) a motor vehicle controlled and operated by a farmer and transporting—

"(A) the farmer's agricultural or horticultural commodities and products; or

"(B) supplies to the farm of the farmer;

"(5) a motor vehicle controlled and operated by a cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) or by a federation of cooperative associations if the federation has no greater power or purposes than a cooperative association, except that if the cooperative association or federation provides transportation for compensation between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State—

"(A) for a nonmember that is not a farmer, cooperative association, federation, or the United States Government, the transportation (except for transportation otherwise exempt under this subchapter)—

"(i) shall be limited to transportation incidental to the primary transportation operation of the cooperative association or federation and necessary for its effective performance; and

"(ii) may not exceed in each fiscal year 25 percent of the total transportation of the cooperative association or federation between those places, measured by tonnage; and

"(B) the transportation for all nonmembers may not exceed in each fiscal year, measured by tonnage, the total transportation between those places for the cooperative association or federation and its members during that fiscal year;

"(6) transportation by motor vehicle of—

"(A) ordinary livestock;

"(B) agricultural or horticultural commodities (other than manufactured products thereof);

"(C) commodities listed as exempt in the Commodity List incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, other than frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, or wool imported from a foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted);
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"(D) cooked or uncooked fish, whether breaded or not, or frozen or fresh shellfish, or byproducts thereof not intended for human consumption, other than fish or shellfish that have been treated for preserving, such as canned, smoked, pickled, spiced, corned, or kippered products; and

"(E) livestock and poultry feed and agricultural seeds and plants, if such products (excluding products otherwise exempt under this paragraph) are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production;

"(7) a motor vehicle used only to distribute newspapers;

"(8)(A) transportation of passengers by motor vehicle incidental to transportation by aircraft;

"(B) transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Secretary) by a foreign air carrier; or

"(C) transportation of property by motor vehicle in lieu of transportation by aircraft because of adverse weather conditions or mechanical failure of the aircraft or other causes due to circumstances beyond the control of the carrier or shipper;

"(9) the operation of a motor vehicle in a national park or national monument;

"(10) a motor vehicle carrying not more than 15 individuals in a single, daily roundtrip to commute to and from work;

"(11) transportation of used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles);

"(12) transportation of natural, crushed, vesicular rock to be used for decorative purposes;

"(13) transportation of wood chips;

"(14) brokers for motor carriers of passengers, except as provided in section 13904(d); or

"(15) transportation of broken, crushed, or powdered glass.

"(b) Exempt Unless Otherwise Necessary.—Except to the extent the Secretary or Board, as applicable, finds it necessary to exercise jurisdiction to carry out the transportation policy of section 13101, neither the Secretary nor the Board has jurisdiction under this part over—

"(1) transportation provided entirely in a municipality, in contiguous municipalities, or in a zone that is adjacent to, and commercially a part of, the municipality or municipalities, except—

"(A) when the transportation is under common control, management, or arrangement for a continuous carriage or shipment to or from a place outside the municipality, municipalities, or zone; or

"(B) that in transporting passengers over a route between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State, the transportation is exempt from jurisdiction under this part only if the motor carrier operating the motor vehicle also is lawfully providing intrastate transportation of passengers over the entire route under the laws of each State through which the route runs;

"(2) transportation by motor vehicle provided casually, occasionally, or reciprocally but not as a regular occupation or business, except when a broker or other person sells or offers for sale passenger transportation provided by a person author-
§ 13507. Mixed loads of regulated and unregulated property

“A motor carrier of property providing transportation exempt from jurisdiction under paragraph (6), (8), (11), (12), or (13) of section 13506 of this Act may transport property under such paragraph in the same vehicle and at the same time as property which the carrier is authorized to transport under a registration issued under section 13902. Such transportation shall not affect the unregulated status of such exempt property or the regulated status of the property which the carrier is authorized to transport under such registration.

§ 13508. Limited authority over cooperative associations

“(a) In general.—Notwithstanding section 13506(a)(5), any cooperative association (as defined by section 15 of the Agricultural Marketing Act (12 U.S.C. 1141e)) or a federation of cooperative associations shall prepare and maintain such records relating to transportation provided by such association or federation, in such form as the Secretary or the Board may require by regulation to carry out the provisions of such section 13506(a)(5). The Secretary or the Board, or an employee designated by the Secretary or the Board, may on demand and display of proper credentials—

“(1) inspect and examine the lands, buildings, and equipment of such association or federation; and

“(2) inspect and copy any record of such association or federation.

“(b) Reports.—Notwithstanding section 13506(a)(5), the Secretary or the Board may require a cooperative association or federation of cooperative associations described in subsection (a) of this section to file reports with the Secretary or the Board containing answers to questions about transportation provided by such association or federation.

“(c) Enforcement.—The Secretary or the Board may bring a civil action to enforce subsections (a) and (b) of this section or a regulation or order of the Secretary or the Board issued under this section, when violated by a cooperative association or federation of cooperative associations described in subsection (a).

“(d) Reporting penalties.—

“(1) In General.—A person required to make a report to the Secretary or the Board, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that—

“(A) does not make the report;

“(B) does not specifically, completely, and truthfully answer the question; or

“(C) does not maintain the record in the form and manner prescribed under this section;

is liable to the United States for a civil penalty of not more than $500 for each violation and for not more than $250 for each additional day the violation continues.

“(2) Venue.—Trial in a civil action under paragraph (1) shall be in the judicial district in which—

“(A) the cooperative association or federation of cooperative associations has its principal office;

“(B) the violation occurred; or

“(C) the offender is found.

Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

“(e) Evasion penalties.—A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully...
tries to evade compliance with the provisions of this section shall be fined at least $200 but not more than $500 for the first violation and at least $250 but not more than $2,000 for a subsequent violation.

“(f) RECORDKEEPING PENALTIES.—A person required to make a report, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that—

“(1) willfully does not make that report;
“(2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date that the question is required to be answered;
“(3) willfully does not maintain that record in the form and manner prescribed;
“(4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record;
“(5) knowingly and willfully files a false report or record under this section;
“(6) knowingly and willfully makes a false or incomplete entry in that record about a business-related fact or transaction; or
“(7) knowingly and willfully maintains a record in violation of a regulation or order issued under this section;

shall be fined not more than $5,000.

“SUBCHAPTER II—WATER CARRIER TRANSPORTATION

“§ 13521. General jurisdiction

“(a) GENERAL RULES.—The Secretary and the Board have jurisdiction over transportation insofar as water carriers are concerned—

“(1) by water carrier between a place in a State and a place in another State, even if part of the transportation is outside the United States;
“(2) by water carrier and motor carrier from a place in a State to a place in another State; except that if part of the transportation is outside the United States, the Secretary only has jurisdiction over that part of the transportation provided—

“(A) by motor carrier that is in the United States; and
“(B) by water carrier that is from a place in the United States to another place in the United States; and
“(3) by water carrier or by water carrier and motor carrier between a place in the United States and a place outside the United States, to the extent that—

“(A) when the transportation is by motor carrier, the transportation is provided in the United States;
“(B) when the transportation is by water carrier to a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States before transshipment from a place in the United States to a place outside the United States; and
“(C) when the transportation is by water carrier from a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States after transshipment to a place in the United States from a place outside the United States.

“(b) DEFINITIONS.—In this section, the terms 'State' and 'United States' include the territories and possessions of the United States.
"SUBCHAPTER III—FREIGHT FORWARDER SERVICE"

§ 13531. General jurisdiction

“(a) IN GENERAL.—The Secretary and the Board have jurisdiction, as specified in this part, over service that a freight forwarder undertakes to provide, or is authorized or required under this part to provide, to the extent transportation is provided in the United States and is between—

“(1) a place in a State and a place in another State, even if part of the transportation is outside the United States;

“(2) a place in a State and another place in the same State through a place outside the State; or

“(3) a place in the United States and a place outside the United States.

(b) EXEMPTION OF CERTAIN AIR CARRIER SERVICE.—Neither the Secretary nor the Board has jurisdiction under subsection (a) of this section over service undertaken by a freight forwarder using transportation of an air carrier subject to part A of subtitle VII of this title.

"SUBCHAPTER IV—AUTHORITY TO EXEMPT"

§ 13541. Authority to exempt transportation or services

“(a) IN GENERAL.—In any matter subject to jurisdiction under this part, the Secretary or the Board, as applicable, shall exempt a person, class of persons, or a transaction or service from the application, in whole or in part, of a provision of this part, or use this exemption authority to modify the application of a provision of this part as it applies to such person, class, transaction, or service, when the Secretary or Board finds that the application of that provision—

“(1) is not necessary to carry out the transportation policy of section 13101;

“(2) is not needed to protect shippers from the abuse of market power or that the transaction or service is of limited scope; and

“(3) is in the public interest.

(b) INITIATION OF PROCEEDING.—The Secretary or Board, as applicable, may, where appropriate, begin a proceeding under this section on the Secretary's or Board's own initiative or on application by an interested party.

(c) PERIOD OF EXEMPTION.—The Secretary or Board, as applicable, may specify the period of time during which an exemption granted under this section is effective.

(d) REVOCATION.—The Secretary or Board, as applicable, may revoke an exemption, to the extent specified, on finding that application of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 13101.

(e) LIMITATIONS.—

“(1) IN GENERAL.—The exemption authority under this section may not be used to relieve a person from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage, insurance, safety fitness, or activities approved under section 13703 or 14302 or not terminated under section 13907(d)(2).

“(2) WATER CARRIERS.—The Secretary or Board, as applicable, may not exempt a water carrier from the application of, or compliance with, section 13701 or 13702 for transportation in the non-contiguous domestic trade.

(f) CONTINUATION OF CERTAIN EXISTING EXEMPTIONS FOR WATER CARRIERS.—The Secretary or Board, as applicable, shall not regulate or exercise jurisdiction under this part over the transportation by water carrier in the non-contiguous domestic trade of any cargo or type of cargo or service which was not subject to regulation by, or under the jurisdiction of, either the
Federal Maritime Commission or Interstate Commerce Commission under Federal law in effect on November 1, 1995.

"CHAPTER 137—RATES AND THROUGH ROUTES"

"§ 13701. Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation

“(a) REASONABLENESS.—

“(1) CERTAIN HOUSEHOLD GOODS TRANSPORTATION; JOINT RATES INVOLVING WATER TRANSPORTATION.—A rate, classification, rule, or practice related to transportation or service provided by a carrier subject to jurisdiction under chapter 135 for transportation or service involving—

“(A) a movement of household goods,

“(B) a rate for a movement by or with a water carrier in noncontiguous domestic trade, or

“(C) rates, rules, and classifications made collectively by motor carriers under agreements approved pursuant to section 13703,

must be reasonable.

“(2) THROUGH ROUTES AND DIVISIONS OF JOINT RATES.—

Through routes and divisions of joint rates for such transportation or service must be reasonable.

“(b) PRESCRIPTION BY BOARD FOR VIOLATIONS.—When the Board finds it necessary to stop or prevent a violation of subsection (a), the Board shall prescribe the rate, classification, rule, practice, through route, or division of joint rates to be applied for such transportation or service.

“(c) FILING OF COMPLAINT.—A complaint that a rate, classification, rule, or practice in noncontiguous domestic trade violates subsection (a) may be filed with the Board.

“(d) ZONE OF REASONABLENESS.—

“(1) IN GENERAL.—For purposes of this section, a rate or division of a motor carrier for service in noncontiguous domestic trade or water carrier for port-to-port service in that trade is reasonable if the aggregate of increases and decreases in any such rate or division is not more than 7.5 percent above, or more than 10 percent below, the rate or division in effect 1 year before the effective date of the proposed rate or division.

“(2) ADJUSTMENTS TO THE ZONE.—The percentage specified in paragraph (1) shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the most recent 1-year period before the date the rate or division in question first took effect.

“(3) DETERMINATIONS AFTER COMPLAINT.—The Board shall determine whether any rate or division of a carrier or service in noncontiguous domestic trade which is not within the range described in paragraph (1) is reasonable if a complaint is filed under subsection (c) or section 13702(b)(6).
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“(4) Reparations.—Upon a finding of violation of subsection (a), the Board shall award reparations to the complaining shipper or shippers in an amount equal to all sums assessed and collected that exceed the determined reasonable rate, division, rate structure, or tariff. Upon complaint from any governmental agency or authority and upon a finding or violation of subsection (a), the Board shall make such orders as are just and shall require the carrier to return, to the extent practicable, to shippers all amounts plus interest, which the Board finds to have been assessed and collected in violation of subsection (a).

§ 13702. Tariff requirement for certain transportation

“(a) In General.—Except when providing transportation for charitable purposes without charge, a carrier subject to jurisdiction under chapter 135 may provide transportation or service that is—

“(1) in noncontiguous domestic trade, except with regard to bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste; or

“(2) for movement of household goods;

only if the rate for such transportation or service is contained in a tariff that is in effect under this section. The carrier may not charge or receive a different compensation for the transportation or service than the rate specified in the tariff, whether by returning a part of that rate to a person, giving a person a privilege, allowing the use of a facility that affects the value of that transportation or service, or another device. A rate contained in a tariff shall be stated in money of the United States.

“(b) Tariff Requirements for Noncontiguous Domestic Trade.—

“(1) Filing.—A carrier providing transportation or service described in subsection (a)(1) shall publish and file with the Board tariffs containing the rates established for such transportation or service. The carriers shall keep such tariffs available for public inspection. The Board shall prescribe the form and manner of publishing, filing, and keeping tariffs available for public inspection under this subsection.

“(2) Contents.—The Board may prescribe any specific information and charges to be identified in a tariff, but at a minimum tariffs must identify plainly—

“(A) the carriers that are parties to it;

“(B) the places between which property will be transported;

“(C) terminal charges if a carrier provides transportation or service subject to jurisdiction under subchapter III of chapter 135;

“(D) privileges given and facilities allowed; and

“(E) any rules that change, affect, or determine any part of the published rate.

“(3) Inland Divisions.—A carrier providing transportation or service described in subsection (a)(1) under a joint rate for a through movement shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of that through rate.

“(4) Time-Volume Rates.—Rates in tariffs filed under this subsection may vary with the volume of cargo offered over a specified period of time.

“(5) Changes.—The Board may permit carriers to change rates, classifications, rules, and practices without filing complete tariffs under this subsection that cover matter that is not being changed when the Board finds that action to be consistent with the public interest. Those carriers may either—

“(A) publish new tariffs that incorporate changes, or...
“(B) plainly indicate the proposed changes in the tariffs then in effect and make the tariffs as changed available for public inspection.

“(6) COMPLAINTS.—A complaint that a rate or related rule or practice maintained in a tariff under this subsection violates section 13701(a) may be submitted to the Board for resolution.

“(c) TARIFF REQUIREMENTS FOR HOUSEHOLD GOODS CARRIERS.—

“(1) IN GENERAL.—A carrier providing transportation described in subsection (a)(2) shall maintain rates and related rules and practices in a published tariff. The tariff must be available for inspection by the Board and be made available for inspection by shippers upon reasonable request.

“(2) NOTICE OF AVAILABILITY.—A carrier that maintains a tariff under this subsection may not enforce the provisions of the tariff unless the carrier has given notice that the tariff is available for inspection in its bill of lading or by other actual notice to individuals whose shipments are subject to the tariff.

“(3) REQUIREMENTS.—A carrier that maintains a tariff under this subsection is bound by the tariff except as otherwise provided in this part. A tariff that does not comply with this subsection may not be enforced against any individual shipper.

“(4) INCORPORATION BY REFERENCE.—A carrier may incorporate by reference the rates, terms, and other conditions of a tariff in agreements covering the transportation of household goods.

“(5) COMPLAINTS.—A complaint that a rate or related rule or practice maintained in a tariff under this subsection violates section 13701(a) may be submitted to the Board for resolution.

“(d) INVALIDATION.—The Board may invalidate a tariff prepared by a carrier or carriers under this section if that tariff violates this section or a regulation of the Board carrying out this section.

“§ 13703. Certain collective activities; exemption from antitrust laws

“(a) AGREEMENTS.—

“(1) AUTHORITY TO ENTER.—A motor carrier providing transportation or service subject to jurisdiction under chapter 135 may enter into an agreement with one or more such carriers to establish—

“(A) through routes and joint rates;

“(B) rates for the transportation of household goods;

“(C) classifications;

“(D) mileage guides;

“(E) rules;

“(F) divisions;

“(G) rate adjustments of general application based on industry average carrier costs (so long as there is no discussion of individual markets or particular single-line rates); or

“(H) procedures for joint consideration, initiation, or establishment of matters described in subparagraphs (A) through (G).

“(2) SUBMISSION OF AGREEMENT TO BOARD; APPROVAL.—An agreement entered into under subsection (a) may be submitted by any carrier or carriers that are parties to such agreement to the Board for approval and may be approved by the Board only if it finds that such agreement is in the public interest.

“(3) CONDITIONS.—The Board may require compliance with reasonable conditions consistent with this part to assure that the agreement furthers the transportation policy set forth in section 13101.

“(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be, precluded from independently establishing
its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

“(5) INVESTIGATIONS.—

“(A) REASONABleness.—The Board may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

“(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Board may investigate any action taken pursuant to an agreement approved under this section. If the Board finds that the action is not in the public interest, the Board may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

“(6) EFFECT OF APPROVAL.—If the Board approves the agreement or renews approval of the agreement, it may be made and carried out under its terms and under the conditions required by the Board, and the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to parties and other persons with respect to making or carrying out the agreement.

“(b) RECORDS.—The Board may require an organization established or continued under an agreement approved under this section to maintain records and submit reports. The Board, or its delegate, may inspect a record maintained under this section, or monitor any organization’s compliance with this section.

“(c) REVIEW.—The Board may review an agreement approved under this section, on its own initiative or on request, and shall change the conditions of approval or terminate it when necessary to protect the public interest. Action of the Board under this section—

“(1) approving an agreement,

“(2) denying, ending, or changing approval,

“(3) prescribing the conditions on which approval is granted, or

“(4) changing those conditions,

has effect only as related to application of the antitrust laws referred to in subsection (a).

“(d) EXPIRATION OF APPROVALS; RENEWALS.—Subject to subsection (c), approval of an agreement under subsection (a) shall expire 3 years after the date of approval unless renewed under this subsection. The approval may be renewed upon request of the parties to the agreement if such parties resubmit the agreement to the Board, the agreement is unchanged, and the Board approves such renewal. The Board shall approve the renewal unless it finds that the renewal is not in the public interest. Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

“(e) EXISTING AGREEMENTS.—Agreements approved under former section 10706(b) and in effect on the day before the effective date of this section shall be treated for purposes of this section as approved by the Board under this section beginning on such effective date.

“(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—

“(1) UNDERCHARGE CLAIMS.—Nothing in this section shall serve as a basis for any undercharge claim.

“(2) OBLIGATION OF SHIPPER.—Nothing in this title, the ICC Termination Act of 1995, or any amendments or repeals made by such Act shall be construed as creating any obligation for a shipper based solely on a classification that was on file with the Interstate Commerce Commission or elsewhere on the day before the effective date of this section.

“(g) INDUSTRY STANDARD GUIDES.—

“(1) IN GENERAL.—
Publication.

“(A) Public availability.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

“(B) Participation of carriers.—

“(i) In general.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

“(ii) Power of attorney.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

“(2) Mileage limitation.—No carrier subject to jurisdiction under subchapter I or III of chapter 135 may enforce collection of its mileage rates unless such carrier—

“(A) is a participant in a publication of mileages formulated under an agreement approved under this section; or

“(B) uses a publication of mileage (other than a publication described in subparagraph (A)) that can be examined by any interested person upon reasonable request.

“(h) Single line rate defined.—In this section, the term ‘single line rate’ means a rate, charge, or allowance proposed by a single motor carrier that is applicable only over its line and for which the transportation can be provided by that carrier.

“§ 13704. Household goods rates—estimates; guarantees of service

“(a) In general.—

“(1) Authority.—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish a rate for the transportation of household goods which is based on the carrier’s written, binding estimate of charges for providing such transportation.

“(2) Nonpreferential; nonpredatory.—Any rate established under this subsection must be available on a nonpreferential basis to shippers and must not result in charges to shippers which are predatory.

“(b) Rates for guaranteed service.—

“(1) Authority.—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish rates for the transportation of household goods which guarantee that the carrier will pick up and deliver such household goods at the times specified in the contract for such services and provide a penalty or per diem payment in the event the carrier fails to pick up or deliver such household goods at the specified time. The charges, if any, for such guarantee and penalty provision may vary to reflect one or more options available to meet a particular shipper’s needs.

“(2) Authority of secretary to require nonguaranteed service rates.—Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Secretary may require such carrier to have in effect and keep in effect, during any period such rate is in effect under paragraph (1), a rate for such service which does not guarantee the pick up and delivery of household goods at the times specified in
the contract for such services and which does not provide a penalty or per diem payment in the event the carrier fails to pick up or deliver household goods at the specified time.

§ 13705. Requirements for through routes among motor carriers of passengers

(a) Establishment; Reasonableness.—A motor carrier providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall establish through routes with other carriers of the same type and shall establish individual and joint rates applicable to them. Such through route must be reasonable.

(b) Prescribed by Board.—When the Board finds it necessary to enforce the requirements of this section, the Board may prescribe through routes and the conditions under which those routes must be operated for motor carriers providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135.

§ 13706. Liability for payment of rates

(a) Liability of Consignee.—Liability for payment of rates for transportation for a shipment of property by a shipper or consignor to a consignee other than the shipper or consignor, is determined under this section when the transportation is provided by motor carrier under this part. When the shipper or consignor instructs the carrier transporting the property to deliver it to a consignee that is an agent only, not having beneficial title to the property, the consignee is liable for rates billed at the time of delivery for which the consignee is otherwise liable, but not for additional rates that may be found to be due after delivery if the consignee gives written notice to the delivering carrier before delivery of the property—

(1) of the agency and absence of beneficial title; and

(2) of the name and address of the beneficial owner of the property if it is reconsigned or diverted to a place other than the place specified in the original bill of lading.

(b) Liability of Beneficial Owner.—When the consignee is liable only for rates billed at the time of delivery under subsection (a), the shipper or consignor, or, if the property is reconsigned or diverted, the beneficial owner is liable for those additional rates regardless of the bill of the lading or contract under which the property was transported. The beneficial owner is liable for all rates when the property is reconsigned or diverted by an agent but is refused or abandoned at its ultimate destination if the agent gave the carrier in the reconsignmen or diversion order a notice of agency and the name and address of the beneficial owner. A consignee giving the carrier erroneous information about the identity of the beneficial owner of the property is liable for the additional rates.

§ 13707. Payment of rates

(a) Transfer of Possession Upon Payment.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

(b) Exceptions.—

(1) Regulations.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.
“(2) Extensions of credit to governmental entities.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

§ 13708. Billing and collecting practices

“(a) Disclosure.—A motor carrier subject to jurisdiction under subchapter I of chapter 135 shall disclose, when a document is presented or electronically transmitted for payment to the person responsible directly to the motor carrier for payment or agent of such responsible person, the actual rates, charges, or allowances for any transportation service and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made.

“(b) False or misleading information.—No person may cause a motor carrier to present false or misleading information on a document about the actual rate, charge, or allowance to any party to the transaction.

“(c) Allowances for services.—When the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time, the motor carrier shall indicate in any document presented for payment to the person responsible directly to the motor carrier that a reduction, allowance, or other adjustment may apply.

§ 13709. Procedures for resolving claims involving unfiled, negotiated transportation rates

“(a) Transportation provided at rates other than legal tariff rates.—

“(1) In general.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter II of chapter 105 (as in effect on the day before the effective date of this section) or subchapter I of chapter 135, by a freight forwarder (other than a household goods freight forwarder), or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of subsection (b), (c), or (d), upon showing that—

“(A) the carrier or freight forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this section; and

“(B) with respect to the claim—

“(i) the person was offered a transportation rate by the carrier or freight forwarder other than that legally on file at the time with the Board or with the Interstate Commerce Commission, as required, for the transportation service;

“(ii) the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

“(iii) the carrier or freight forwarder did not properly or timely file with the Board or with the Interstate Commerce Commission, as required, a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

“(iv) such transportation rate was billed and collected by the carrier or freight forwarder; and
“(v) the carrier or freight forwarder demands additional payment of a higher rate filed in a tariff.

“(2) Forum.—If there is a dispute as to the showing under paragraph (1)(A), such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to the showing under paragraph (1)(B), such dispute shall be resolved by the Board. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or freight forwarder.

“(3) Effect of satisfaction of claims.—Satisfaction of the claim under subsection (b), (c), or (d) shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title, as such chapter was in effect on the day before the effective date of this section, or chapter 149.

“(b) Claims involving shipments weighing 10,000 pounds or less.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Board.

“(c) Claims involving shipments weighing more than 10,000 pounds.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed more than 10,000 pounds, by payment of 15 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Board.

“(d) Claims involving public warehousemen.—Notwithstanding subsections (b) and (c), a person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim by payment of 5 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid if such person is a public warehouseman. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Board.

“(e) Effects of election.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of subsection (b), (c) or (d), the person may pursue all rights and remedies existing under this part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this title on the day before such effective date.

“(f) Stay of additional compensation.—When a person proceeds under this section to challenge the reasonableness of the legally applicable freight rate or charges being claimed by a carrier or freight forwarder in addition to those already billed and collected, the person shall not have to pay any additional compensation to the carrier or freight forwarder until the Board has made a determination as to the reasonableness of the challenged rate as applied to the freight of the person against whom the claim is made.

“(g) Notification of election.—

“(1) General rule.—A person must notify the carrier or freight forwarder as to its election to proceed under subsection (b), (c), or (d). Except as provided in paragraphs (2), (3), and (4), such election may be made at any time.

“(2) Demands for payment initially made after December 3, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder initially demands
the payment of additional freight charges after December 3, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f) at the time of the making of such initial demand, the election must be made not later than the later of—

“(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

“(B) March 5, 1994.

“(3) PENDING SUITS FOR COLLECTION MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has filed, before December 4, 1993, a suit for the collection of additional freight charges and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the 90th day following the date on which such notification is received.

“(4) DEMANDS FOR PAYMENT MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has demanded the payment of additional freight charges, and has not filed a suit for the collection of such additional freight charges, before December 4, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the later of—

“(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

“(B) March 5, 1994.

“(h) CLAIMS INVOLVING SMALL-BUSINESS CONCERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE MATERIALS.—

“(1) IN GENERAL.—Notwithstanding subsections (b), (c), and (d), a person from whom the additional legally applicable and effective tariff rate or charges are sought shall not be liable for the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid—

“(A) if such person qualifies as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.),

“(B) if such person is an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

“(C) if the cargo involved in the claim is recyclable materials.

“(2) RECYCLABLE MATERIALS DEFINED.—In this subsection, the term 'recyclable materials' means waste products for recycling or reuse in the furtherance of recognized pollution control programs.

¶ 13710. Additional billing and collecting practices

“(a) MISCELLANEOUS PROVISIONS.—

“(1) INFORMATION RELATING TO BASIS OF RATE.—A motor carrier of property (other than a motor carrier providing transportation in noncontiguous domestic trade) shall provide to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices, upon which any rate applicable to its shipment or agreed to between the shipper and carrier is based.

“(2) REASONABLENESS OF RATES; COLLECTING ADDITIONAL CHARGES.—When the applicability or reasonableness of the rates and related provisions billed by a motor carrier is challenged by the person paying the freight charges, the Board shall determine whether such rates and provisions are reasonable under section 13701 or applicable based on the record before it.
“(3) Billing disputes.—

(A) Initiated by motor carriers.—In those cases where a motor carrier (other than a motor carrier providing transportation of household goods or in noncontiguous domestic trade) seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Board determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the receipt of the original bill in order to have the right to collect such charges.

(B) Initiated by shippers.—If a shipper seeks to contest the charges originally billed or additional charges subsequently billed, the shipper may request that the Board determine whether the charges billed must be paid. A shipper must contest the original bill or subsequent bill within 180 days of receipt of the bill in order to have the right to contest such charges.

(4) Voiding of certain tariffs.—Any tariff on file with the Interstate Commerce Commission on August 26, 1994, and not required to be filed after that date is null and void beginning on that date. Any tariff on file with the Interstate Commerce Commission on the effective date of this section and not required to be filed after that date is null and void beginning on that date.

(b) Resolution of disputes over status of common carrier or contract carrier.—If a motor carrier (other than a motor carrier providing transportation of household goods) that was subject to jurisdiction under subchapter II of chapter 105, as in effect on the day before the effective date of this section, and that had authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation that was provided prior to the effective date of this section was provided in its common carrier or contract carrier capacity and the parties are not able to resolve the dispute consensually, the Board shall resolve the dispute.

§ 13711. Alternative procedure for resolving undercharge disputes

“(a) General rule.—It shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation that was subject to jurisdiction under subchapter II of chapter 105, as in effect on the day before the effective date of this section, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service the difference between (1) the applicable rate that was lawfully in effect pursuant to a tariff that was filed in accordance with this chapter or, with respect to transportation provided before the effective date of this section, in accordance with chapter 107, as in effect on the date the transportation was provided, by the carrier or freight forwarder applicable to such transportation service, and (2) the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 13501(1) or is transporting property between places described in section 13501(1) for the purpose of avoiding application of this section.

“(b) Jurisdiction of Board.—

(1) Determination.—The Board shall have jurisdiction to make a determination of whether or not attempting to charge or the charging of a rate by a motor carrier or freight forwarder or party representing a motor carrier or freight forwarder is
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an unreasonable practice under subsection (a). If the Board determines that attempting to charge or the charging of the rate is an unreasonable practice under subsection (a), the carrier, freight forwarder, or party may not collect the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service.

"(2) FACTORS TO CONSIDER.—In making a determination under paragraph (1), the Board shall consider—

"(A) whether the person was offered a transportation rate by the carrier or freight forwarder or party other than that legally on file with the Interstate Commerce Commission or the Board, as required, at the time of the movement for the transportation service;

"(B) whether the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

"(C) whether the carrier or freight forwarder did not properly or timely file with the Interstate Commerce Commission or the Board, as required, a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

"(D) whether the transportation rate was billed and collected by the carrier or freight forwarder; and

"(E) whether the carrier or freight forwarder or party demands additional payment of a higher rate filed in a tariff.

"(c) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the practice of a motor carrier, freight forwarder, or party described in subsection (a) to attempt to charge or to charge the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service in addition to those charges already billed and collected for the transportation service, the person shall not have to pay any additional compensation to the carrier, freight forwarder, or party until the Board has made a determination as to the reasonableness of the practice as applied to the freight of the person against whom the claim is made.

"(d) TREATMENT.—Subsection (a) is an exception to the requirements of section 13702 and, for transportation provided before the effective date of this section, to the requirements of sections 10761(a) and 10762, as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

"(e) NONAPPLICABILITY OF NEGOTIATED RATE DISPUTE RESOLUTION PROCEDURE.—If a person elects to seek enforcement of subsection (a) with respect to a rate for a transportation or service, section 13709 shall not apply to such rate.

"(f) DEFINITIONS.—In this section, the term "negotiated rate" means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed and for which there is written evidence of such agreement.

"(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

§ 13712. Government traffic

"A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a carrier
lawfully operating in the area where the transportation would be provided.

§ 13713. Food and grocery transportation

“(a) Certain Compensation Prohibited.—Notwithstanding any other provision of law, it shall not be unlawful for a seller of food and grocery products using a uniform zone delivered pricing system to compensate a customer who picks up purchased food and grocery products at the shipping point of the seller if such compensation is available to all customers of the seller on a non-discriminatory basis and does not exceed the actual cost to the seller of delivery to such customer.

“(b) Sense of Congress.—It is the sense of the Congress that any savings accruing to a customer by reason of compensation permitted by subsection (a) of this section should be passed on to the ultimate consumer.

CHAPTER 139—REGISTRATION

§ 13901. Requirement for registration

“A person may provide transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or be a broker for transportation subject to jurisdiction under subchapter I of that chapter, only if the person is registered under this chapter to provide the transportation or service.

§ 13902. Registration of motor carriers

“(a) Motor Carrier Generally.—

“(1) In general.—Except as provided in this section, the Secretary shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 of this title as a motor carrier if the Secretary finds that the person is willing and able to comply with—

“(A) this part and the applicable regulations of the Secretary and the Board;

“(B) any safety regulations imposed by the Secretary and the safety fitness requirements established by the Secretary under section 31144; and

“(C) the minimum financial responsibility requirements established by the Secretary pursuant to sections 13906 and 31138.

“(2) Consideration of Evidence; Findings.—The Secretary shall consider and, to the extent applicable, make findings on, any evidence demonstrating that the registrant is unable to comply with the requirements of subparagraph (A), (B), or (C) of paragraph (1).

“(3) Withholding.—If the Secretary determines that any registrant under this section does not meet the requirements of paragraph (1), the Secretary shall withhold registration.

“(4) Limitation on Complaints.—The Secretary may hear a complaint from any person concerning a registration under this subsection only on the ground that the registrant fails or will fail to comply with this part, the applicable regulations of the Secretary and the Board, the safety regulations of the Secretary, or the safety fitness or minimum financial responsibility requirements of paragraph (1) of this subsection.

“(b) Motor Carriers of Passengers.—
“(1) **Registration of private recipients of governmental assistance.**—The Secretary shall register under subsection (a)(1) a private recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

“(2) **Registration of public recipients of governmental assistance.**—

“(A) **Charter transportation.**—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that—

“(i) the recipient meets the requirements of subsection (a)(1); and

“(ii)(I) no motor carrier of passengers (other than a motor carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing to provide, the transportation; or

“(II) the transportation is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

“(B) **Regular-route transportation.**—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide regular-route transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that—

“(C) **Treatment of certain public recipients.**—Any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall, for purposes of this part, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

“(3) **Intrastate transportation by interstate carriers.**—A motor carrier of passengers that is registered by the Secretary under subsection (a) is authorized to provide regular-route transportation entirely in one State as a motor carrier of passengers if such intrastate transportation is to be provided on a route over which the carrier provides interstate transportation of passengers.

“(4) **Preemption of state regulation regarding certain service.**—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law relating to the provision of pickup and delivery of express packages, newspapers, or mail in a commercial zone if the shipment has had or will have a prior or subsequent movement by bus in intrastate commerce and, if a city within the commercial zone, is served by a motor carrier of passengers providing regular-route transportation of passengers subject to jurisdiction under subchapter I of chapter 135.

“(5) **Jurisdiction over certain intrastate transportation.**—Subject to section 14501(a), any intrastate transpor-
tation authorized by this subsection shall be treated as transportation subject to jurisdiction under subchapter I of chapter 135 until such time as the carrier takes such action as is necessary to establish under the laws of such State rates, rules, and practices applicable to such transportation, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

"(6) SPECIAL OPERATIONS.—This subsection shall not apply to any regular-route transportation of passengers provided entirely in one State which is in the nature of a special operation.

"(7) SUSPENSION OR REVOCATION.—Intrastate transportation authorized under this subsection may be suspended or revoked by the Secretary under section 13905 of this title at any time.

"(8) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘public recipient of governmental assistance’ means—

"(i) any State,

"(ii) any municipality or other political subdivision of a State,

"(iii) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

"(iv) any Indian tribe,

"(v) any corporation, board, or other person owned or controlled by any entity described in clause (i), (ii), (iii), or (iv), and which before, on, or after the effective date of this subsection received governmental assistance for the purchase or operation of any bus.

"(B) PRIVATE RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘private recipient of government assistance’ means any person (other than a person described in subparagraph (A)) who before, on, or after the effective date of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

"(c) RESTRICTIONS ON MOTOR CARRIERS DOMICILED IN OR OWNED OR CONTROLLED BY NATIONALS OF A CONTIGUOUS FOREIGN COUNTRY.—

"(1) PREVENTION OF DISCRIMINATORY PRACTICES.—If the President, or the delegate thereof, determines that an act, policy, or practice of a foreign country contiguous to the United States, or any political subdivision or any instrumentality of any such country is unreasonable or discriminatory and burdens or restricts United States transportation companies providing, or seeking to provide, motor carrier transportation to, from, or within such foreign country, the President or such delegate may—

"(A) seek elimination of such practices through consultations;

"(B) notwithstanding any other provision of law, suspend, modify, amend, condition, or restrict operations, including geographical restriction of operations, in the United States by motor carriers of property or passengers domiciled in such foreign country or owned or controlled by persons of such foreign country.

"(2) EQUALIZATION OF TREATMENT.—Any action taken under paragraph (1)(A) to eliminate an act, policy, or practice shall be so devised so as to equal to the extent possible the burdens
or restrictions imposed by such foreign country on United States transportation companies.

“(3) REMOVAL OR MODIFICATION.—The President, or the delegate thereof, may remove or modify in whole or in part any action taken under paragraph (1)(A) if the President or such delegate determines that such removal or modification is consistent with the obligations of the United States under a trade agreement or with United States transportation policy.

“(4) PROTECTION OF EXISTING OPERATIONS.—Unless and until the President, or the delegate thereof, makes a determination under paragraph (1) or (3), nothing in this subsection shall affect—

“(A) operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country permitted in the commercial zones along the United States-Mexico border as such zones were defined on the day before the effective date of this section; or

“(B) any existing restrictions on operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country or any modifications thereof pursuant to section 6 of the Bus Regulatory Reform Act of 1982.

“(5) PUBLICATION; COMMENT.—Unless the President, or the delegate thereof, determines that expeditious action is required, the President shall publish in the Federal Register any determination under paragraph (1) or (3), together with a description of the facts on which such a determination is based and any proposed action to be taken pursuant to paragraph (1)(B) or (3), and provide an opportunity for public comment.

“(6) DELEGATION TO SECRETARY.—The President may delegate any or all authority under this subsection to the Secretary, who shall consult with other agencies as appropriate. In accordance with the directions of the President, the Secretary may issue regulations to enforce this subsection.

“(7) CIVIL ACTIONS.—Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

“(8) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection shall not be construed as affecting the requirement for all foreign motor carriers and foreign motor private carriers operating in the United States to comply with all applicable laws and regulations pertaining to fitness, safety of operations, financial responsibility, and taxes imposed by section 4481 of the Internal Revenue Code of 1986.

“(d) TRANSITION RULE.—

“(1) IN GENERAL.—Pending the implementation of the rule-making required by section 13908, the Secretary may register a person under this section—

“(A) as a motor common carrier if such person would have been issued a certificate to provide transportation as a motor common carrier under this subtitle on the day before the effective date of this section; and

“(B) as a motor contract carrier if such person would have been issued a permit to provide transportation as a motor contract carrier under this subtitle on such day.

“(2) DEFINITIONS.—In this subsection, the terms ‘motor common carrier’ and ‘motor contract carrier’ have the meaning such terms had under section 10102 as such section was in effect on the day before the effective date of this section.
“(e) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term ‘motor carrier’ includes foreign motor private carriers.

§ 13903. Registration of freight forwarders

“(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.

“(b) REGISTRATION AS CARRIER REQUIRED.—The freight forwarder may provide transportation as the carrier itself only if the freight forwarder also has registered to provide transportation as a carrier under this chapter.

§ 13904. Registration of brokers

“(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.

“(b) REGISTRATION AS CARRIER REQUIRED.—

“(1) IN GENERAL.—The broker may provide the transportation itself only if the broker also has been registered to provide the transportation as a motor carrier under this chapter.

“(2) LIMITATION.—This subsection does not apply to a motor carrier registered under this chapter or to an employee or agent of the motor carrier to the extent the transportation is to be provided entirely by the motor carrier, with other registered motor carriers, or with rail or water carriers.

“(c) REGULATIONS TO PROTECT SHIPPERS.—Regulations of the Secretary applicable to brokers registered under this section shall provide for the protection of shippers by motor vehicle.

“(d) BOND AND INSURANCE.—The Secretary may impose on brokers for motor carriers of passengers such requirements for bonds or insurance or both as the Secretary determines are needed to protect passengers and carriers dealing with such brokers.

§ 13905. Effective periods of registration

“(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

“(b) IN GENERAL.—Except as otherwise provided in this part, each registration issued under section 13902, 13903, or 13904 shall be effective from the date specified by the Secretary and shall remain in effect for such period as the Secretary determines appropriate by regulation.

“(c) SUSPENSION, AMENDMENTS, AND REVOCATIONS.—On application of the registrant, the Secretary may amend or revoke a registration. On complaint or on the Secretary’s own initiative and after notice and an opportunity for a proceeding, the Secretary may suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with this part, an applicable regulation or order of the Secretary or of the Board, or a condition of its registration.

“(d) PROCEDURE.—Except on application of the registrant, the Secretary may revoke a registration of a motor carrier, freight forwarder, or broker, only after—
“(1) the Secretary has issued an order to the registrant under section 14701 requiring compliance with this part, a regulation of the Secretary, or a condition of the registration; and
“(2) the registrant willfully does not comply with the order for a period of 30 days.
“(e) EXPEDITED PROCEDURE.—
“(1) PROTECTION OF SAFETY.—Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend the registration of a motor carrier, a freight forwarder, or a broker for failure to comply with safety requirements of the Secretary or the safety fitness requirements pursuant to section 13904(c), 13906, or 31144, of this title, or an order or regulation of the Secretary prescribed under those sections.
“(2) IMMINENT HAZARD TO PUBLIC HEALTH.—Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend a registration of a motor carrier of passengers if the Secretary finds that such carrier has been conducting unsafe operations which are an imminent hazard to public health or property.
“(3) NOTICE; PERIOD OF SUSPENSION.—The Secretary may suspend under this subsection the registration only after giving notice of the suspension to the registrant. The suspension remains in effect until the registrant complies with those applicable sections or, in the case of a suspension under paragraph (2), until the Secretary revokes such suspension.

§ 13906. Security of motor carriers, brokers, and freight forwarders

“(a) MOTOR CARRIER REQUIREMENTS.—
“(1) LIABILITY INSURANCE REQUIREMENT.—The Secretary may register a motor carrier under section 13902 only if the registrant files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than such amount as the Secretary prescribes pursuant to, or as is required by, sections 31138 and 31139, and the laws of the State or States in which the registrant is operating, to the extent applicable. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the registrant for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of motor vehicles, or for loss or damage to property (except property referred to in paragraph (3) of this subsection), or both. A registration remains in effect only as long as the registrant continues to satisfy the security requirements of this paragraph.
“(2) AGENCY REQUIREMENT.—A motor carrier shall comply with the requirements of sections 13303 and 13304. To protect the public, the Secretary may require any such motor carrier to file the type of security that a motor carrier is required to file under paragraph (1) of this subsection. This paragraph only applies to a foreign motor private carrier and foreign motor carrier operating in the United States to the extent that such carrier is providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country.
“(3) TRANSPORTATION INSURANCE.—The Secretary may require a registered motor carrier to file with the Secretary a type of security sufficient to pay a shipper or consignee for damage to property of the shipper or consignee placed in the possession of the motor carrier as the result of transportation provided under this part. A carrier required by law to pay a shipper or consignee for loss, damage, or default for which a connecting motor carrier is responsible is sub-
rogated, to the extent of the amount paid, to the rights of
the shipper or consignee under any such security.

"(b) Broker Requirements."—The Secretary may register a
person as a broker under section 13904 only if the person files
with the Secretary a bond, insurance policy, or other type of security
approved by the Secretary to ensure that the transportation for
which a broker arranges is provided. The registration remains
in effect only as long as the broker continues to satisfy the security
requirements of this subsection.

"(c) Freight Forwarder Requirements.—

"(1) Liability Insurance.—The Secretary may register a
person as a freight forwarder under section 13903 of this title
only if the person files with the Secretary a bond, insurance
policy, or other type of security approved by the Secretary.
The security must be sufficient to pay, not more than the
amount of the security, for each final judgment against the
freight forwarder for bodily injury to, or death of, an individual,
or loss of, or damage to, property (other than property referred
in paragraph (2) of this subsection), resulting from the neg-
ligent operation, maintenance, or use of motor vehicles by or
under the direction and control of the freight forwarder when
providing transfer, collection, or delivery service under this
part.

"(2) Freight Forwarder Insurance.—The Secretary may
require a registered freight forwarder to file with the Secretary
a bond, insurance policy, or other type of security approved
by the Secretary sufficient to pay, not more than the amount
of the security, for loss of, or damage to, property for which
the freight forwarder provides service.

"(3) Effective Period.—The freight forwarder's registra-
tion remains in effect only as long as the freight forwarder
continues to satisfy the security requirements of this subsection.

"(d) Type of Insurance.—The Secretary may determine the
type and amount of security filed under this section. A motor
carrier may submit proof of qualifications as a self-insurer to satisfy
the security requirements of this section. The Secretary shall adopt
regulations governing the standards for approval as a self-insurer.
Motor carriers which have been granted authority to self-insure
as of the effective date of this section shall retain that authority
unless, for good cause shown and after notice and an opportunity
for a hearing, the Secretary finds that the authority must be
revoked.

"(e) Notice of Cancellation of Insurance.—The Secretary
shall issue regulations requiring the submission to the Secretary
of notices of insurance cancellation sufficiently in advance of actual
cancellation so as to enable the Secretary to promptly revoke the
registration of any carrier or broker after the effective date of
the cancellation.

"(f) Form of Endorsement.—The Secretary shall also prescribe
the appropriate form of endorsement to be appended to policies
of insurance and surety bonds which will subject the insurance
policy or surety bond to the full security limits of the coverage
required under this section.

"§ 13907. Household goods agents

"(a) Carriers Responsible for Agents.—Each motor carrier
providing transportation of household goods shall be responsible
for all acts or omissions of any of its agents which relate to the
performance of household goods transportation services (including
accessorial or terminal services) and which are within the actual
or apparent authority of the agent from the carrier or which are
ratified by the carrier.

"(b) Standard for Selecting Agents.—Each motor carrier
providing transportation of household goods shall use due diligence
and reasonable care in selecting and maintaining agents who are

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sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services) and to fulfill the obligations imposed upon them by this part and by such carrier.

"(c) Enforcement.—

"(1) Complaint.—Whenever the Secretary has reason to believe from a complaint or investigation that an agent providing household goods transportation services (including accessorial and terminal services) under the authority of a motor carrier providing transportation of household goods has violated section 14901(e) or 14912 or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue to such agent a complaint stating the charges and containing notice of the time and place of a hearing which shall be held no later than 60 days after service of the complaint to such agent.

"(2) Right to Defend.—The agent shall have the right to appear at such hearing and rebut the charges contained in the complaint.

"(3) Order.—If the agent does not appear at the hearing or if the Secretary finds that the agent has violated section 14901(e) or 14912 or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue an order to compel compliance with the requirement that the agent be fit, willing, and able. Thereafter, the Secretary may issue an order to limit, condition, or prohibit such agent from any involvement in the transportation or provision of services incidental to the transportation of household goods if, after notice and an opportunity for a hearing, the Secretary finds that such agent, within a reasonable time after the date of issuance of a compliance order under this section, but in no event less than 30 days after such date of issuance, has willfully failed to comply with such order.

"(4) Hearing.—Upon filing of a petition with the Secretary by an agent who is the subject of an order issued pursuant to the second sentence of paragraph (3) of this subsection and after notice, a hearing shall be held with an opportunity to be heard. At such hearing, a determination shall be made whether the order issued pursuant to paragraph (3) of this subsection should be rescinded.

"(5) Court Review.—Any agent adversely affected or aggrieved by an order of the Secretary issued under this subsection may seek relief in the appropriate United States court of appeals as provided by and in the manner prescribed in chapter 158 of title 28, United States Code.

"(d) Limitation on Applicability of Antitrust Laws.—

"(1) In General.—The antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to discussions or agreements between a motor carrier providing transportation of household goods and its agents (whether or not an agent is also a carrier) related solely to—

"(A) rates for the transportation of household goods under the authority of the principal carrier;

"(B) accessorial, terminal, storage, or other charges for services incidental to the transportation of household goods transported under the authority of the principal carrier;

"(C) allowances relating to transportation of household goods under the authority of the principal carrier; and

"(D) ownership of a motor carrier providing transportation of household goods by an agent or membership on the board of directors of any such motor carrier by an agent.
"(2) Board review.—The Board, upon its own initiative or request, shall review any activities undertaken under paragraph (1) and shall modify or terminate the activity if necessary to protect the public interest.

(e) Definitions.—In this section, the following definitions apply:

"(1) Household goods.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

"(2) Transportation.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

§ 13908. Registration and other reforms

"(a) Regulations replacing certain programs.—The Secretary, in cooperation with the States, and after notice and opportunity for public comment, shall issue regulations to replace the current Department of Transportation identification number system, the single State registration system under section 14504, the registration system contained in this chapter, and the financial responsibility information system under section 13906 with a single, on-line, Federal system. The new system shall serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with the Department as well as information on safety fitness and compliance with required levels of financial responsibility. In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

"(b) Factors to be considered.—In conducting the rulemaking under subsection (a), the Secretary shall, at a minimum, consider the following factors:

"(1) Funding for State enforcement of motor carrier safety regulations.

"(2) Whether the existing single State registration system is duplicative and burdensome.

"(3) The justification and need for collecting the statutory fee for such system under section 14504(c)(2)(B)(iv).

"(4) The public safety.

"(5) The efficient delivery of transportation services.

"(6) How, and under what conditions, to extend the registration system to motor private carriers and to carriers exempt under sections 13502, 13503, and 13506.

"(c) Fee system.—The Secretary may establish, under section 9701 of title 31, a fee system for registration and filing evidence of financial responsibility under the new system under subsection (a). Fees collected under the fee system shall cover the costs of operating and upgrading the registration system, including all personnel costs associated with the system. Fees collected under this subsection may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected, and shall be available for expenditure until expended.

"(d) State registration programs.—If the Secretary determines that no State should require insurance filings or collect fees for such filings (including filings and fees authorized under section 14504), the Secretary may prevent any State or political subdivision thereof, or any political authority of 2 or more States, from imposing any insurance filing requirements or fees that are for the same purposes as filings or fees the Secretary requires under the new system under subsection (a). The Secretary may not take any action pursuant to this subsection unless—
“(1) fees that will be collected by the Secretary under subsection (c) and distributed in each fiscal year to the States will provide each State with at least as much revenue as that State received in fiscal year 1995 under section 11506, as in effect on the day before the effective date of this section; and

“(2) all States will receive from the distribution of such fees a minimum apportionment.

“(e) DEADLINE FOR CONCLUSION; MODIFICATIONS.—Not later than 24 months after the effective date of this section, the Secretary—

“(1) shall conclude the rulemaking under this section;

“(2) may implement such changes under this section as the Secretary considers appropriate and in the public interest; and

“(3) shall transmit to Congress a report on any findings of the rulemaking and the changes being implemented under this section, together with such recommendations for legislative language necessary to conform this part to such changes.

“CHAPTER 141—OPERATIONS OF CARRIERS

“SUBCHAPTER I—GENERAL REQUIREMENTS

“§ 14101. Providing transportation and service

“(a) ON REASONABLE REQUEST.—A carrier providing transportation or service subject to jurisdiction under chapter 135 shall provide the transportation or service on reasonable request. In addition, a motor carrier shall provide safe and adequate service, equipment, and facilities.

“(b) CONTRACTS WITH SHIPPERS.—

“(1) IN GENERAL.—A carrier providing transportation or service subject to jurisdiction under chapter 135 may enter into a contract with a shipper, other than for the movement of household goods described in section 13102(10)(A), to provide specified services under specified rates and conditions. If the shipper and carrier, in writing, expressly waive any or all rights and remedies under this part for the transportation covered by the contract, the transportation provided under the contract shall not be subject to the waived rights and remedies and may not be subsequently challenged on the ground that it violates the waived rights and remedies. The parties may not waive the provisions governing registration, insurance, or safety fitness.

“(2) REMEDY FOR BREACH OF CONTRACT.—The exclusive remedy for any alleged breach of a contract entered into under this subsection shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree.

“§ 14102. Leased motor vehicles

“(a) GENERAL AUTHORITY OF SECRETARY.—The Secretary may require a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 that uses motor vehicles not owned by it to transport property under an arrangement with another party to—
“(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

“(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

“(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

“(4) have control of and be responsible for operating those motor vehicles in compliance with requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.

“(b) RESPONSIBLE PARTY FOR LOADING AND UNLOADING.—The Secretary shall require, by regulation, that any arrangement, between a motor carrier of property providing transportation subject to jurisdiction under subchapter I of chapter 135 and any other person, under which such other person is to provide any portion of such transportation by a motor vehicle not owned by the carrier shall specify, in writing, who is responsible for loading and unloading the property onto and from the motor vehicle.

“§ 14103. Loading and unloading motor vehicles

“(a) SHIPPER RESPONSIBLE FOR ASSISTING.—Whenever a shipper or receiver of property requires that any person who owns or operates a motor vehicle transporting property in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135) be assisted in the loading or unloading of such vehicle, the shipper or receiver shall be responsible for providing such assistance or shall compensate the owner or operator for all costs associated with securing and compensating the person or persons providing such assistance.

“(b) COERCION PROHIBITED.—It shall be unlawful to coerce or attempt to coerce any person providing transportation of property by motor vehicle for compensation in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135) to load or unload any part of such property onto or from such vehicle or to employ or pay one or more persons to load or unload any part of such property onto or from such vehicle; except that this subsection shall not be construed as making unlawful any activity which is not unlawful under the National Labor Relations Act or the Act of March 23, 1932 (47 Stat. 70; 29 U.S.C. 101 et seq.), commonly known as the Norris-LaGuardia Act.

“§ 14104. Household goods carrier operations

“(a) GENERAL REGULATORY AUTHORITY.—

“(1) PAPERWORK MINIMIZATION.—The Secretary may issue regulations, including regulations protecting individual shippers, in order to carry out this part with respect to the transportation of household goods by motor carriers subject to jurisdiction under subchapter I of chapter 135. The regulations and paperwork required of motor carriers providing transportation of household goods shall be minimized to the maximum extent feasible consistent with the protection of individual shippers.

“(2) PERFORMANCE STANDARDS.—

“(A) IN GENERAL.—Regulations of the Secretary protecting individual shippers shall include, where appropriate, reasonable performance standards for the transportation of household goods subject to jurisdiction under subchapter I of chapter 135.

“(B) FACTORS TO CONSIDER.—In establishing performance standards under this paragraph, the Secretary shall take into account at least the following—
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“(i) the level of performance that can be achieved by a well-managed motor carrier transporting household goods;

“(ii) the degree of harm to individual shippers which could result from a violation of the regulation;

“(iii) the need to set the level of performance at a level sufficient to deter abuses which result in harm to consumers and violations of regulations;

“(iv) service requirements of the carriers;

“(v) the cost of compliance in relation to the consumer benefits to be achieved from such compliance; and

“(vi) the need to set the level of performance at a level designed to encourage carriers to offer service responsive to shipper needs.

“(3) LIMITATIONS ON STATUTORY CONSTRUCTION. —Nothing in this section shall be construed to limit the Secretary’s authority to require reports from motor carriers providing transportation of household goods or to require such carriers to provide specified information to consumers concerning their past performance.

“(b) ESTIMATES.—

“(1) AUTHORITY TO PROVIDE WITHOUT COMPENSATION.— Every motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135, upon request of a prospective shipper, may provide the shipper with an estimate of charges for transportation of household goods and for the proposed services. The Secretary shall not prohibit any such carrier from charging a prospective shipper for providing a written, binding estimate for the transportation and proposed services.

“(2) APPLICABILITY OF ANTITRUST LAWS.—Any charge for an estimate of charges provided by a motor carrier to a shipper for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 shall be subject to the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12).

“(c) FLEXIBILITY IN WEIGHING SHIPMENTS.—The Secretary shall issue regulations that provide motor carriers providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 with the maximum possible flexibility in weighing shipments, consistent with assurance to the shipper of accurate weighing practices. The Secretary shall not prohibit such carriers from backweighing shipments or from basing their charges on the reweigh weights if the shipper observes both the tare and gross weighings (or, prior to such weighings, waives in writing the opportunity to observe such weighings) and such weighings are performed on the same scale.

“SUBCHAPTER II—REPORTS AND RECORDS

§ 14121. Definitions

“(1) CARRIER AND BROKER.—The terms ‘carrier’ and ‘broker’ include a receiver or trustee of a carrier and broker, respectively.

“(2) ASSOCIATION.—The term ‘association’ means an organization maintained by or in the interest of a group of carriers or brokers providing transportation or service subject to jurisdiction under chapter 135 that performs a service, or engages in activities, related to transportation under this part.

§ 14122. Records; form; inspection; preservation

“(a) FORM OF RECORDS.—The Secretary or the Board, as applicable, may prescribe the form of records required to be pre-
pared or compiled under this subchapter by carriers and brokers, including records related to movement of traffic and receipts and expenditures of money.

"(b) RIGHT OF INSPECTION.—The Secretary or Board, or an employee designated by the Secretary or Board, may on demand and display of proper credentials—

"(1) inspect and examine the lands, buildings, and equipment of a carrier or broker; and

"(2) inspect and copy any record of—

"(A) a carrier, broker, or association; and

"(B) a person controlling, controlled by, or under common control with a carrier if the Secretary or Board, as applicable, considers inspection relevant to that person’s relation to, or transaction with, that carrier.

"(c) PERIOD FOR PRESERVATION OF RECORDS.—The Secretary or Board, as applicable, may prescribe the time period during which operating, accounting, and financial records must be preserved by carriers and brokers.

§ 14123. Financial reporting

"(a) REPORTS.—

"(1) ANNUAL REPORTS.—The Secretary shall require Class I and Class II motor carriers to file with the Secretary annual financial and safety reports, the form and substance of which shall be prescribed by the Secretary; except that, at a minimum, such reports shall include balance sheets and income statements.

"(2) OTHER REPORTS.—The Secretary may require motor carriers, freight forwarders, brokers, lessors, and associations, or classes of them as the Secretary may prescribe, to file quarterly, periodic, or special reports with the Secretary and to respond to surveys concerning their operations.

"(b) MATTERS TO BE COVERED.—In determining the matters to be covered by any reports to be filed under subsection (a), the Secretary shall consider—

"(1) safety needs;

"(2) the need to preserve confidential business information and trade secrets and prevent competitive harm;

"(3) private sector, academic, and public use of information in the reports; and

"(4) the public interest.

"(c) EXEMPTIONS.—

"(1) FROM FILING.—The Secretary may exempt upon good cause shown any party from the financial reporting requirements of subsection (a). Any request for such exemption must demonstrate, at a minimum, that an exemption is required to avoid competitive harm and preserve confidential business information that is not otherwise publicly available.

"(2) FROM PUBLIC RELEASE.—

"(A) IN GENERAL.—The Secretary shall allow, upon request, a filer of a report under subsection (a) that is not a publicly held corporation or that is not subject to financial reporting requirements of the Securities and Exchange Commission, an exemption from the public release of such report.

"(B) PROCEDURE.—After a request under subparagraph (A) and notice and opportunity for comment but no event later than 90 days after the date of such request, the Secretary shall approve such request if the Secretary finds that the exemption requested is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under section 552(b)(4) of title 5.

"(C) USE OF DATA FOR INTERNAL DOT PURPOSES.—If an exemption is granted under this paragraph, nothing
shall prevent the Secretary from using data from reports filed under this subsection for internal purposes of the Department of Transportation or including such data in aggregate industry statistics released for publication if such inclusion would not render the filer's data readily identifiable.

"(D) PENDING REQUESTS.—The Secretary shall not release publicly the report of a carrier making a request under subparagraph (A) while such request is pending.

"(3) PERIOD OF EXEMPTIONS.—Exemptions granted under this subsection shall be for 3-year periods.

"(d) STREAMLINING AND SIMPLIFICATION.—The Secretary shall streamline and simplify, to the maximum extent practicable, any reporting requirements the Secretary imposes under this section.

"CHAPTER 143—FINANCE

"Sec.
"14302. Pooling and division of transportation or earnings.
"14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

"§ 14301. Security interests in certain motor vehicles

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) MOTOR VEHICLE.—The term `motor vehicle' means a truck of rated capacity (gross vehicle weight) of at least 10,000 pounds, a highway tractor of rated capacity (gross combination weight) of at least 10,000 pounds, a property-carrying trailer or semitrailer with at least one load-carrying axle of at least 10,000 pounds, or a motor bus with a seating capacity of at least 10 individuals.

"(2) LIEN CREDITOR.—The term `lien creditor' means a creditor having a lien on a motor vehicle and includes an assignee for benefit of creditors from the date of assignment, a trustee in a case under title 11 from the date of filing of the petition in that case, and a receiver in equity from the date of appointment of the receiver.

"(3) SECURITY INTEREST.—The term `security interest' means an interest (including an interest established by a conditional sales contract, mortgage, equipment trust, or other lien or title retention contract, or lease) in a motor vehicle when the interest secures payment or performance of an obligation.

"(4) PERFECTION.—The term `perfection', as related to a security interest, means taking action (including public filing, recording, notation on a certificate of title, and possession of collateral by the secured party), or the existence of facts, required under law to make a security interest enforceable against general creditors and subsequent lien creditors of a debtor, but does not include compliance with requirements related only to the establishment of a valid security interest between the debtor and the secured party.

"(b) REQUIREMENTS FOR PERFECTION OF SECURITY INTEREST.—A security interest in a motor vehicle owned by, or in the possession and use of, a carrier registered under section 13902 of this title and owing payment or performance of an obligation secured by that security interest is perfected in all jurisdictions against all general, and subsequent lien, creditors of, and all persons taking a motor vehicle by sale (or taking or retaining a security interest in a motor vehicle) from, that carrier when—

"(1) a certificate of title is issued for a motor vehicle under a law of a jurisdiction that requires or permits indication, on a certificate or title, of a security interest in the motor vehicle if the security interest is indicated on the certificate;
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“(2) a certificate of title has not been issued and the law of the State where the principal place of business of that carrier is located requires or permits public filing or recording of, or in relation to, that security interest if there has been such a public filing or recording; and

“(3) a certificate of title has not been issued and the security interest cannot be perfected under paragraph (2) of this subsection, if the security interest has been perfected under the law (including the conflict of laws rules) of the State where the principal place of business of that carrier is located.

“§ 14302. Pooling and division of transportation or earnings

“(a) APPROVAL REQUIRED.—A carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 may not agree or combine with another such carrier to pool or divide traffic or services or any part of their earnings without the approval of the Board under this section.

“(b) STANDARDS FOR APPROVAL.—The Board may approve and authorize an agreement or combination between or among motor carriers of passengers, or between a motor carrier of passengers and a rail carrier of passengers if the carriers involved assent to the pooling or division and the Board finds that a pooling or division of traffic, services, or earnings—

“(1) will be in the interest of better service to the public or of economy of operation; and

“(2) will not unreasonably restrain competition.

“(c) PROCEDURE.—

“(1) APPLICATION.—Any motor carrier of property may apply to the Board for approval of an agreement or combination with another such carrier to pool or divide traffic or any services or any part of their earnings by filing such agreement or combination with the Board not less than 50 days before its effective date.

“(2) DETERMINATION OF IMPORTANCE AND RESTRAINT ON COMPETITION.—Prior to the effective date of the agreement or combination, the Board shall determine whether the agreement or combination is of major transportation importance and whether there is substantial likelihood that the agreement or combination will unduly restrain competition. If the Board determines that neither of these 2 factors exists, it shall, prior to such effective date and without a hearing, approve and authorize the agreement or combination, under such rules and regulations as the Board may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Board to be just and reasonable.

“(3) HEARING.—If the Board determines either that the agreement or combination is of major transportation importance or that there is substantial likelihood that the agreement or combination will unduly restrain competition, the Board shall hold a hearing concerning whether the agreement or combination will be in the interest of better service to the public or of economy in operation and whether it will unduly restrain competition and shall suspend operation of such agreement or combination pending such hearing and final decision thereon. After such hearing, the Board shall indicate to what extent it finds that the agreement or combination will be in the interest of better service to the public or of economy in operation and will not unduly restrain competition and if assented to by all the carriers involved, shall to that extent, approve and authorize the agreement or combination, under such rules and regulations as the Board may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Board to be just and reasonable.

“(4) SPECIAL RULES FOR HOUSEHOLD GOODS CARRIERS.—In the case of an application for Board approval of an agreement
or combination between a motor carrier providing transportation of household goods and its agents to pool or divide traffic or services or any part of their earnings, such agreement or combination shall be presumed to be in the interest of better service to the public and of economy in operation and not to restrain competition unduly if the practices proposed to be carried out under such agreement or combination are the same as or similar to practices carried out under agreements and combinations between motor carriers providing transportation of household goods to pool or divide traffic or service of any part of their earnings approved by the Interstate Commerce Commission before the effective date of this section.

“(5) STREAMLINING AND SIMPLIFYING.—The Board shall streamline, simplify, and expedite, to the maximum extent practicable, the process (including any paperwork) for submission and approval of applications under this section for agreements and combinations between motor carriers providing transportation of household goods and their agents.

“(d) CONDITIONS.—The Board may impose conditions governing the pooling or division and may approve and authorize payment of a reasonable consideration between the carriers.

“(e) INITIATION OF PROCEEDING.—The Board may begin a proceeding under this section on its own initiative or on application.

“(f) EFFECT OF APPROVAL.—A carrier may participate in an arrangement approved by or exempted by the Board under this section without the approval of any other Federal, State, or municipal body. A carrier participating in an approved or exempted arrangement is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the arrangement.

“(g) CONTINUATION OF EXISTING AGREEMENTS.—Any agreements in operation under the provisions of this title on the effective date of this section that are succeeded by this section shall remain in effect until further order of the Board.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) HOUSEHOLD GOODS.—The term `household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

“(2) TRANSPORTATION.—The term `transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

“§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

“(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Board:

“(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

“(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

“(3) Acquisition of control of a carrier by any number of carriers.

“(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

“(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.
“(b) Standard for Approval.—The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board shall consider at least the following:

“(1) The effect of the proposed transaction on the adequacy of transportation to the public.

“(2) The total fixed charges that result from the proposed transaction.

“(3) The interest of carrier employees affected by the proposed transaction.

The Board may impose conditions governing the transaction.

“(c) Determination of Completeness of Application.—Within 30 days after the date on which an application is filed under this section, the Board shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

“(d) Comments.—Written comments about an application may be filed with the Board within 45 days after the date on which notice of the application is published under subsection (c).

“(e) Deadlines.—The Board shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Board shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Board may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

“(f) Effect of Approval.—A carrier or corporation participating in or resulting from a transaction approved by the Board under this section, or exempted by the Board from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

“(g) Limitation on Applicability.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than $2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

“(h) applicability of certain provisions.—When the Board approves and authorizes a transaction under this section in which a person not a carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 acquires control of at least 1 carrier subject to such jurisdiction, the person is subject, as a carrier, to the following provisions of this title that apply to the carrier being acquired by that person, to the extent specified by the Board: sections 504(f), 14121-14123, 14901(a), and 14907.

“(i) Interim Approval.—Pending determination of an application filed under this section, the Board may approve, for a period of not more than 180 days, the operation of the properties sought to be acquired by the person proposing in the application to acquire those properties, when it appears that failure to do so may result in destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public. Transportation provided by a motor carrier under a grant of approval under this subsection is subject to this part.

“(j) Supplemental Orders.—When cause exists, the Board may issue appropriate orders supplemental to an order made in a proceeding under this section.
"CHAPTER 145—FEDERAL-STATE RELATIONS

"Sec.
"14501. Federal authority over intrastate transportation.
"14502. Tax discrimination against motor carrier transportation property.
"14503. Withholding State and local income tax by certain carriers.
"14504. Registration of motor carriers by a State.
"14505. State tax.

"§ 14501. Federal authority over intrastate transportation

"(a) MOTOR CARRIERS OF PASSENGERS.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route or relating to the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required. This subsection shall not apply to intrastate commuter bus operations.

"(b) FREIGHT FORWARDERS AND BROKERS.—

"(1) GENERAL RULE.—Subject to paragraph (2) of this subsection, no State or political subdivision thereof and no intrastate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to intrastate rates, intrastate routes, or intrastate services of any freight forwarder or broker.

"(2) CONTINUATION OF HAWAII’S AUTHORITY.—Nothing in this subsection and the amendments made by the Surface Freight Forwarder Deregulation Act of 1986 shall be construed to affect the authority of the State of Hawaii to continue to regulate a motor carrier operating within the State of Hawaii.

"(c) MOTOR CARRIERS OF PROPERTY.—

"(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law relating to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

"(2) MATTERS NOT COVERED.—Paragraph (1)—

"(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization;

"(B) does not apply to the transportation of household goods; and

"(C) does not apply to the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the price of for-hire motor vehicle transportation by a tow truck, if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.

"(3) STATE STANDARD TRANSPORTATION PRACTICES.—
“(A) Continuation.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—
“(i) uniform cargo liability rules,
“(ii) uniform bills of lading or receipts for property being transported,
“(iii) uniform cargo credit rules,
“(iv) antitrust immunity for joint line rates or routes, classifications, mileage guides, and pooling, or
“(v) antitrust immunity for agent-van line operations (as set forth in section 13907), if such law, regulation, or provision meets the requirements of subparagraph (B).

“(B) Requirements.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—
“(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this part or a regulation issued by the Secretary or the Board under this part; and
“(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

“(C) Election.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.

“(4) Nonapplicability to Hawaii.—This subsection shall not apply with respect to the State of Hawaii.

“§ 14502. Tax discrimination against motor carrier transportation property

“(a) Definitions.—In this section, the following definitions apply:
“(1) Assessment.—The term ‘assessment’ means valuation for a property tax levied by a taxing district.
“(2) Assessment jurisdiction.—The term ‘assessment jurisdiction’ means a geographical area in a State used in determining the assessed value of property for ad valorem taxation.
“(3) Motor carrier transportation property.—The term ‘motor carrier transportation property’ means property, as defined by the Secretary, owned or used by a motor carrier providing transportation in interstate commerce whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135.
“(4) Commercial and industrial property.—The term ‘commercial and industrial property’ means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use, and subject to a property tax levy.

“(b) Acts burdening interstate commerce.—The following acts unreasonably burden and discriminate against interstate commerce and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:
“(1) Excessive valuation of property.—Assess motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction
has to the true market value of the other commercial and industrial property.

“(2) TAX ON ASSESSMENT.—Levy or collect a tax on an assessment that may not be made under paragraph (1).

“(3) AD VALOREM TAX.—Levy or collect an ad valorem property tax on motor carrier transportation property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

“(c) JURISDICTION.—

“(1) IN GENERAL.—Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section.

“(2) LIMITATION IN RELIEF.—Relief may be granted under this subsection only if the ratio of assessed value to true market value of motor carrier transportation property exceeds, by at least 5 percent, the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction.

“(3) BURDEN OF PROOF.—The burden of proof in determining assessed value and true market value is governed by State law.

“(4) VIOLATION.—If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—

“(A) an assessment of the motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the assessment value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all such other property; and

“(B) the collection of ad valorem property tax on the motor carrier transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.

§ 14503. Withholding State and local income tax by certain carriers

“(a) SINGLE STATE TAX WITHHOLDING.—

“(1) IN GENERAL.—No part of the compensation paid by a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 or by a motor private carrier to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee’s residence.

“(2) EMPLOYEE DEFINED.—In this subsection, the term ‘employee’ has the meaning given such term in section 31132.

“(b) SPECIAL RULES.—

“(1) CALCULATION OF EARNINGS.—In this subsection, an employee is deemed to have earned more than 50 percent of pay in a State or subdivision of that State in which the time worked by the employee in the State or subdivision is more than 50 percent of the total time worked by the employee while employed during the calendar year.

“(2) WATER CARRIERS.—A water carrier providing transportation subject to jurisdiction under subchapter II of chapter
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135 shall file income tax information returns and other reports only with—

"(A) the State and subdivision of residence of the employee (as shown on the employment records of the carrier); and

"(B) the State and subdivision in which the employee earned more than 50 percent of the pay received by the employee from the carrier during the preceding calendar year.

"(3) APPLICABILITY TO SAILORS.—This subsection applies to pay of a master, officer, or sailor who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal, or noncontiguous trade or in the fisheries of the United States.

"(c) FILING OF INFORMATION.—A motor and motor private carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee.

"§ 14504. Registration of motor carriers by a State

"(a) Definitions.—In this section, the terms 'standards' and 'amendments to standards' mean the specification of forms and procedures required by regulations of the Secretary to prove the lawfulness of transportation by motor carrier referred to in section 13501.

"(b) General Rule.—The requirement of a State that a motor carrier, providing transportation subject to jurisdiction under subchapter I of chapter 135 and providing transportation in that State, must register with the State is not an unreasonable burden on transportation referred to in section 13501 when the State registration is completed under standards of the Secretary under subsection (c). When a State registration requirement imposes obligations in excess of the standards of the Secretary, the part in excess is an unreasonable burden.

"(c) Single State Registration System.—

"(1) In general.—The Secretary shall maintain standards for implementing a system under which—

"(A) a motor carrier is required to register annually with only one State by providing evidence of its Federal registration under chapter 139;

"(B) the State of registration shall fully comply with standards prescribed under this section; and

"(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

"(2) Specific requirements.—

"(A) Evidence of Federal registration; proof of insurance; payment of fees.—Under the standards of the Secretary implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier registered by the Secretary under this part—

"(i) to file and maintain evidence of such Federal registration;

"(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

"(iii) to pay directly to such State fee amounts in accordance with the fee system established under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

"(iv) to file the name of a local agent for service of process.
"(B) RECEIPTS; FEE SYSTEM.—The standards of the Secretary—

"(i) shall require that the registration State issue a receipt, in a form prescribed under the standards, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this paragraph and has paid fee amounts in accordance with the fee system established under clause (iv) of this subparagraph;

"(ii) shall require that copies of the receipt issued under clause (i) of this subparagraph be kept in each of the carrier's commercial motor vehicles;

"(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

"(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this paragraph that—

"(I) is based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates;

"(II) minimizes the costs of complying with the registration system; and

"(III) results in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

"(v) shall not authorize the charging or collection of any fee for filing and maintaining evidence of Federal registration under subparagraph (A)(i) of this paragraph.

"(C) PROHIBITED FEES.—The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.

"(D) LIMITATION ON PARTICIPATION BY STATES.—Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.

§ 14505. State tax

"A State or political subdivision thereof may not collect or levy a tax, fee, head charge, or other charge on—

"(1) a passenger traveling in interstate commerce by motor carrier;

"(2) the transportation of a passenger traveling in interstate commerce by motor carrier;

"(3) the sale of passenger transportation in interstate commerce by motor carrier; or

"(4) the gross receipts derived from such transportation.
"§ 14707. Private enforcement of registration requirement.

"§ 14708. Dispute settlement program for household goods carriers.

"§ 14709. Tariff reconciliation rules for motor carriers of property.

"§ 14701. General authority

"(a) INVESTIGATIONS.—The Secretary or the Board, as applicable, may begin an investigation under this part on the Secretary's or the Board's own initiative or on complaint. If the Secretary or Board, as applicable, finds that a carrier or broker is violating this part, the Secretary or Board, as applicable, shall take appropriate action to compel compliance with this part. If the Secretary finds that a foreign motor carrier or foreign motor private carrier is violating chapter 139, the Secretary shall take appropriate action to compel compliance with that chapter. The Secretary or Board, as applicable, may take action under this subsection only after giving the carrier or broker notice of the investigation and an opportunity for a proceeding.

"(b) COMPLAINTS.—A person, including a governmental authority, may file with the Secretary or Board, as applicable, a complaint about a violation of this part by a carrier providing, or broker for, transportation or service subject to jurisdiction under this part or a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title. The complaint must state the facts that are the subject of the violation. The Secretary or Board, as applicable, may dismiss a complaint that it determines does not state reasonable grounds for investigation and action.

"(c) DEADLINE.—A formal investigative proceeding begun by the Secretary or Board under subsection (a) of this section is dismissed automatically unless it is concluded with administrative finality by the end of the 3rd year after the date on which it was begun.

"§ 14702. Enforcement by the regulatory authority

"(a) IN GENERAL.—The Secretary or the Board, as applicable, may bring a civil action—

"(1) to enforce section 14103 of this title; or

"(2) to enforce this part, or a regulation or order of the Secretary or Board, as applicable, when violated by a carrier or broker providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title or by a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title.

"(b) VENUE.—In a civil action under subsection (a)(2) of this section—

"(1) trial is in the judicial district in which the carrier, foreign motor carrier, foreign motor private carrier, or broker operates;

"(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.

"(c) STANDING.—The Board, through its own attorneys, may bring or participate in any civil action involving motor carrier undercharges.

"§ 14703. Enforcement by the Attorney General

"The Attorney General may, and on request of either the Secretary or the Board shall, bring court proceedings—

"(1) to enforce this part or a regulation or order of the Secretary or Board or terms of registration under this part; and
“(2) to prosecute a person violating this part or a regulation or order of the Secretary or Board or term of registration under this part.

§14704. Rights and remedies of persons injured by carriers or brokers

“(a) IN GENERAL.—

“(1) ENFORCEMENT OF ORDER.—A person injured because a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 does not obey an order of the Secretary or the Board, as applicable, under this part, except an order for the payment of money, may bring a civil action to enforce that order under this subsection. A person may bring a civil action for injunctive relief for violations of sections 14102 and 14103.

“(2) DAMAGES FOR VIOLATIONS.—A carrier or broker providing transportation or service subject to jurisdiction under chapter 135 is liable for damages sustained by a person as a result of an act or omission of that carrier or broker in violation of this part.

“(b) LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—

A carrier providing transportation or service subject to jurisdiction under chapter 135 is liable to a person for amounts charged that exceed the applicable rate for transportation or service contained in a tariff in effect under section 13702.

“(c) ELECTION.—

“(1) COMPLAINT TO DOT OR BOARD; CIVIL ACTION.—A person may file a complaint with the Board or the Secretary, as applicable, under section 14701(b) or bring a civil action under subsection (b) to enforce liability against a carrier or broker providing transportation or service subject to jurisdiction under chapter 135.

“(2) ORDER OF DOT OR BOARD.—

“(A) IN GENERAL.—When the Board or Secretary, as applicable, makes an award under subsection (b) of this section, the Board or Secretary, as applicable, shall order the carrier to pay the amount awarded by a specific date. The Board or Secretary, as applicable, may order a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 to pay damages only when the proceeding is on complaint.

“(B) ENFORCEMENT BY CIVIL ACTION.—The person for whose benefit an order of the Board or Secretary requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier or broker does not pay the amount awarded by the date payment was ordered to be made.

“(d) PROCEDURE.—

“(1) IN GENERAL.—When a person begins a civil action under subsection (b) of this section to enforce an order of the Board or Secretary requiring the payment of damages by a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title, the text of the order of the Board or Secretary must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Board or Secretary are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier or broker is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.
“(2) Parties.—All parties in whose favor the award was made may be joined as plaintiffs in a civil action brought in a district court of the United States under this subsection and all the carriers that are parties to the order awarding damages may be joined as defendants. Trial in the action is in the judicial district in which any one of the plaintiffs could bring the action against any one of the defendants. Process may be served on a defendant at its principal operating office when that defendant is not in the district in which the action is brought. A judgment ordering recovery may be made in favor of any of those plaintiffs against the defendant found to be liable to that plaintiff.

“(e) Attorney’s Fees.—The district court shall award a reasonable attorney’s fee under this section. The district court shall tax and collect that fee as part of the costs of the action.

§ 14705. Limitation on actions by and against carriers

“(a) In General.—A carrier providing transportation or service subject to jurisdiction under chapter 135 must begin a civil action to recover charges for transportation or service provided by the carrier within 18 months after the claim accrues.

“(b) Overcharges.—A person must begin a civil action to recover overcharges within 18 months after the claim accrues. If the claim is against a carrier providing transportation subject to jurisdiction under chapter 135 and an election to file a complaint with the Board or Secretary, as applicable, is made under section 14704(c)(1), the complaint must be filed within 3 years after the claim accrues.

“(c) Damages.—A person must file a complaint with the Board or Secretary, as applicable, to recover damages under section 14704(b) within 2 years after the claim accrues.

“(d) Extensions.—The limitation periods under subsection (b) of this section are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under subsections (b) and (c) of this section are extended for 90 days from the time the carrier begins a civil action under subsection (a) to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

“(e) Payment.—A person must begin a civil action to enforce an order of the Board or Secretary against a carrier within 1 year after the date of the order.

“(f) Government Transportation.—This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the later of the date of—

“(1) payment of the rate for the transportation or service involved;

“(2) subsequent refund for overpayment of that rate; or

“(3) deduction made under section 3726 of title 31.

“(g) Accrual Date.—A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the carrier.

§ 14706. Liability of carriers under receipts and bills of lading

“(a) General Liability.—

“(1) Motor Carriers and Freight Forwarders.—A carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 shall issue a receipt or bill of lading for property it receives for transportation under
this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or chapter 105 are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this paragraph is for the actual loss or injury to the property caused by (A) the receiving carrier, (B) the delivering carrier, or (C) another carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading and, except in the case of a freight forwarder, applies to property reconsigned or diverted under a tariff under section 13702. Failure to issue a receipt or bill of lading does not affect the liability of a carrier. A delivering carrier is deemed to be the carrier performing the line-haul transportation nearest the destination but does not include a carrier providing only a switching service at the destination.

“(2) FREIGHT FORWARDER.—A freight forwarder is both the receiving and delivering carrier. When a freight forwarder provides service and uses a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 to receive property from a consignor, the motor carrier may execute the bill of lading or shipping receipt for the freight forwarder with its consent. With the consent of the freight forwarder, a motor carrier may deliver property for a freight forwarder on the freight forwarder’s bill of lading, freight bill, or shipping receipt to the consignee named in it, and receipt for the property may be made on the freight forwarder’s delivery receipt.

“(b) APPORTIONMENT.—The carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

“(c) SPECIAL RULES.—

“(1) MOTOR CARRIERS.—

“(A) SHIPPER WAIVER.—Subject to the provisions of subparagraph (B), a carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 may, subject to the provisions of this chapter (including with respect to a motor carrier, the requirements of section 13710(a)), establish rates for the transportation of property (other than household goods described in section 13102(10)(A)) under which the liability of the carrier for such property is limited to a value established by written or electronic declaration of the shipper or by written agreement between the carrier and shipper if that value would be reasonable under the circumstances surrounding the transportation.

“(B) CARRIER NOTIFICATION.—If the motor carrier is not required to file its tariff with the Board, it shall provide under section 13710(a)(1) to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices upon which any rate applicable to a shipment, or agreed to between the shipper and the carrier, is based. The copy provided by the carrier shall clearly state the dates of applicability of the rate, classification, rules, or practices.

“(C) PROHIBITION AGAINST COLLECTIVE ESTABLISHMENT.—No discussion, consideration, or approval as to rules to limit liability under this subsection may be under-
taken by carriers acting under an agreement approved pursuant to section 13703.

(2) Water carriers.—If loss or injury to property occurs while it is in the custody of a water carrier, the liability of that carrier is determined by its bill of lading and the law applicable to water transportation. The liability of the initial or delivering carrier is the same as the liability of the water carrier.

(d) Civil actions.—

(1) Against delivering carrier.—A civil action under this section may be brought against a delivering carrier in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States is in a judicial district, and if in a State court, is in a State through which the defendant carrier operates.

(2) Against carrier responsible for loss.—A civil action under this section may be brought against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

(3) Jurisdiction of courts.—A civil action under this section may be brought in a United States district court or in a State court.

(4) Judicial district defined.—In this section, 'judicial district' means—

(A) in the case of a United States district court, a judicial district of the United States; and

(B) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

(e) Minimum period for filing claims.—

(1) In general.—A carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice.

(2) Special rules.—For the purposes of this subsection—

(A) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

(B) communications received from a carrier’s insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reason for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

(f) Limiting liability of household goods carriers to declared value.—A carrier or group of carriers subject to jurisdiction under subchapter I or III of chapter 135 may petition the Board to modify, eliminate, or establish rates for the transportation of household goods under which the liability of the carrier for that property is limited to a value established by written declaration of the shipper or by a written agreement.

(g) Modifications and reforms.—

(1) Study.—The Secretary shall conduct a study to determine whether any modifications or reforms should be made to the loss and damage provisions of this section, including those related to limitation of liability by carriers.

(2) Factors to consider.—In conducting the study, the Secretary, at a minimum, shall consider—
“(A) the efficient delivery of transportation services;
“(B) international and intermodal harmony;
“(C) the public interest; and
“(D) the interest of carriers and shippers.
“(3) REPORT.—Not later than 12 months after the effective date of this section, the Secretary shall submit to Congress a report on the results of the study, together with any recommendations of the Secretary (including legislative recommendations) for implementing modifications or reforms identified by the Secretary as being appropriate.

§ 14707. Private enforcement of registration requirement

“(a) In General.—If a person provides transportation by motor vehicle or service in clear violation of section 13901–13904 or 13906, a person injured by the transportation or service may bring a civil action to enforce any such section. In a civil action under this subsection, trial is in the judicial district in which the person who violated that section operates.
“(b) Procedure.—A copy of the complaint in a civil action under subsection (a) shall be served on the Secretary and a certificate of service must appear in the complaint filed with the court. The Secretary may intervene in a civil action under subsection (a). The Secretary may notify the district court in which the action is pending that the Secretary intends to consider the matter that is the subject of the complaint in a proceeding before the Secretary. When that notice is filed, the court shall stay further action pending disposition of the proceeding before the Secretary.
“(c) Attorney’s Fees.—In a civil action under subsection (a), the court may determine the amount of and award a reasonable attorney’s fee to the prevailing party. That fee is in addition to costs allowable under the Federal Rules of Civil Procedure.

§ 14708. Dispute settlement program for household goods carriers

“(a) Offering Shippers Arbitration.—As a condition of registration under section 13902 or 13903, a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 must agree to offer in accordance with this section to shippers of household goods arbitration as a means of settling disputes between such carriers and shippers of household goods concerning damage or loss to the household goods transported.
“(b) Arbitration Requirements.—
“(1) Prevention of Special Advantage.—The arbitration that is offered must be designed to prevent a carrier from having any special advantage in any case in which the claimant resides or does business at a place distant from the carrier’s principal or other place of business.
“(2) Notice of Arbitration Procedure.—The carrier must provide the shipper an adequate notice of the availability of neutral arbitration, including a concise easy-to-read, accurate summary of the arbitration procedure, any applicable costs, and disclosure of the legal effects of election to utilize arbitration. Such notice must be given to persons for whom household goods are to be transported by the carrier before such goods are tendered to the carrier for transportation.
“(3) Provision of Forms.—Upon request of a shipper, the carrier must promptly provide such forms and other information as are necessary for initiating an action to resolve a dispute under arbitration.
“(4) Independence of Arbitrator.—Each person authorized to arbitrate or otherwise settle disputes must be independent of the parties to the dispute and must be capable, as determined under such regulations as the Secretary may issue, to resolve such disputes fairly and expeditiously. The carrier must ensure that each person chosen to settle the disputes
is authorized and able to obtain from the shipper or carrier any material and relevant information to the extent necessary to carry out a fair and expeditious decisionmaking process.

"(5) **APPORTIONMENT OF COSTS.**—No shipper may be charged more than half of the cost for instituting an arbitration proceeding that is brought under this section. In the decision, the arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding, including the cost of instituting the proceeding.

"(6) **REQUESTS.**—The carrier must not require the shipper to agree to utilize arbitration prior to the time that a dispute arises. If the dispute involves a claim for $1,000 or less and the shipper requests arbitration, such arbitration shall be binding on the parties. If the dispute involves a claim for more than $1,000 and the shipper requests arbitration, such arbitration shall be binding on the parties only if the carrier agrees to arbitration.

"(7) **ORAL PRESENTATION OF EVIDENCE.**—The arbitrator may provide for an oral presentation of a dispute concerning transportation of household goods by a party to the dispute (or a party's representative), but such oral presentation may be made only if all parties to the dispute expressly agree to such presentation and the date, time, and location of such presentation.

"(8) **DEADLINE FOR DECISION.**—The arbitrator must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered; except that, in any case in which a party to the dispute fails to provide in a timely manner any information concerning such dispute which the person settling the dispute may reasonably require to resolve the dispute, the arbitrator may extend such 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, and compensation for damages.

"(c) **LIMITATION ON USE OF MATERIALS.**—Materials and information obtained in the course of a decision making process to settle a dispute by arbitration under this section may not be used to bring an action under section 14905.

"(d) **ATTORNEY'S FEES TO SHIPPERS.**—In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 concerning the transportation of household goods by such carrier, the shipper shall be awarded reasonable attorney's fees if—

"(1) the shipper submits a claim to the carrier within 120 days after the date the shipment is delivered or the date the delivery is scheduled, whichever is later;

"(2) the shipper prevails in such court action; and

"(3)(A) a decision resolving the dispute was not rendered through arbitration under this section within the period provided under subsection (b)(8) of this section or an extension of such period under such subsection; or

"(B) the court proceeding is to enforce a decision rendered through arbitration under this section and is instituted after the period for performance under such decision has elapsed.

"(e) **ATTORNEY'S FEES TO CARRIERS.**—In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation, or service subject to jurisdiction under subchapter I or III of chapter 135 concerning the transportation of household goods by such carrier, such carrier may be awarded reasonable attorney's fees by the court only if the shipper brought such action in bad faith—
(f) Limitation of Applicability to Collect-on-Delivery Transportation.—The provisions of this section shall apply only in the case of collect-on-delivery transportation of household goods.

(g) Review by Secretary.—Not later than 18 months after the effective date of this section, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

§ 14709. Tariff reconciliation rules for motor carriers of property

Subject to review and approval by the Board, motor carriers subject to jurisdiction under subchapter I of chapter 135 (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 or, with respect to transportation provided before the effective date of this section, sections 10761 and 10762, as in effect on the day before the effective date of this section. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a tariff.

CHAPTER 149—CIVIL AND CRIMINAL PENALTIES

§ 14901. General civil penalties

(a) Reporting and Recordkeeping.—A person required to make a report to the Secretary or the Board, answer a question, or make, prepare, or preserve a record under this part concerning transportation subject to jurisdiction under subchapter I or III of chapter 135 or transportation by a foreign carrier registered under section 13902, or an officer, agent, or employee of that person that—

(1) does not make the report;

(2) does not specifically, completely, and truthfully answer the question;

(3) does not make, prepare, or preserve the record in the form and manner prescribed;
“(4) does not comply with section 13901; or
“(5) does not comply with section 13902(c);
is liable to the United States for a civil penalty of not less than
$500 for each violation and for each additional day the violation
continues, except that, in the case of a person who is not registered
under this part to provide transportation of passengers, or an
officer, agent, or employee of such person, that does not comply
with section 13901 with respect to providing transportation of pas-
sengers, the amount of the civil penalty shall not be less than
$2,000 for each violation and for each additional day the violation
continues.
“(b) Transportation of Hazardous Wastes.—A person sub-
ject to jurisdiction under subchapter I of chapter 135, or an officer,
agent, or employee of that person, and who is required to comply
with section 13901 of this title but does not so comply with respect
to the transportation of hazardous wastes as defined by the Environ-
mental Protection Agency pursuant to section 3001 of the Solid
Waste Disposal Act (but not including any waste the regulation
of which under the Solid Waste Disposal Act has been suspended
by Congress) shall be liable to the United States for a civil penalty
not to exceed $20,000 for each violation.
“(c) Factors To Consider in Determining Amount.—In deter-
mining and negotiating the amount of a civil penalty under sub-
section (a) or (d) concerning transportation of household goods,
the degree of culpability, any history of prior such conduct, the
degree of harm to shipper or shippers, ability to pay, the effect
on ability to do business, whether the shipper has been adequately
compensated before institution of the proceeding, and such other
matters as fairness may require shall be taken into account.
“(d) Protection of Household Goods Shippers.—If a carrier
providing transportation of household goods subject to jurisdiction
under subchapter I or III of chapter 135 or a receiver or trustee
of such carrier fails or refuses to comply with any regulation issued
by the Secretary or the Board relating to protection of individual
shippers, such carrier, receiver, or trustee is liable to the United
States for a civil penalty of not less than $1,000 for each violation
and for each additional day during which the violation continues.
“(e) Violation Relating to Transportation of Household
Goods.—Any person that knowingly engages in or knowingly
authorizes an agent or other person—
“(1) to falsify documents used in the transportation of
household goods subject to jurisdiction under subchapter I or
III of chapter 135 which evidence the weight of a shipment;
or
“(2) to charge for accessorial services which are not per-
formed or for which the carrier is not entitled to be compensated
in any case in which such services are not reasonably necessary
in the safe and adequate movement of the shipment;
is liable to the United States for a civil penalty of not less than
$2,000 for each violation and of not less than $5,000 for each
subsequent violation. Any State may bring a civil action in the
United States district courts to compel a person to pay a civil
penalty assessed under this subsection.
“(f) Venue.—Trial in a civil action under subsections (a)
through (e) of this section is in the judicial district in which—
“(1) the carrier or broker has its principal office;
“(2) the carrier or broker was authorized to provide
transportation or service under this part when the violation
occurred;
“(3) the violation occurred; or
“(4) the offender is found.
Process in the action may be served in the judicial district of
which the offender is an inhabitant or in which the offender may
be found.
“(g) Business Entertainment Expenses.—
“(1) IN GENERAL.—Any business entertainment expense incurred by a water carrier providing transportation subject to this part shall not constitute a violation of this part if that expense would not be unlawful if incurred by a person not subject to this part.

“(2) COST OF SERVICE.—Any business entertainment expense subject to paragraph (1) that is paid or incurred by a water carrier providing transportation subject to this part shall not be taken into account in determining the cost of service or the rate base for purposes of section 13702.

§ 14902. Civil penalty for accepting rebates from carrier

“A person—

“(1) delivering property to a carrier providing transportation or service subject to jurisdiction under chapter 135 for transportation under this part or for whom that carrier will transport the property as consignor or consignee for that person from a State or territory or possession of the United States to another State or possession, territory, or to a foreign country; and

“(2) knowingly accepting or receiving by any means a rebate or offset against the rate for transportation for, or service of, that property contained in a tariff required under section 13702;

is liable to the United States for a civil penalty in an amount equal to 3 times the amount of money that person accepted or received as a rebate or offset and 3 times the value of other consideration accepted or received as a rebate or offset. In a civil action under this section, all money or other consideration received by the person during a period of 6 years before an action is brought under this section may be included in determining the amount of the penalty, and if that total amount is included, the penalty shall be 3 times that total amount.

§ 14903. Tariff violations

“(a) CIVIL PENALTY FOR UNDERCHARGING AND OVERCHARGING.—A person that offers, grants, gives, solicits, accepts, or receives by any means transportation or service provided for property by a carrier subject to jurisdiction under chapter 135 at a rate different than the rate in effect under section 13702 is liable to the United States for civil penalty of not more than $100,000 for each violation.

“(b) GENERAL CRIMINAL PENALTY.—A carrier providing transportation or service subject to jurisdiction under chapter 135 or an officer, director, receiver, trustee, lessee, agent, or employee of a corporation that is subject to jurisdiction under that chapter, that willfully does not observe its tariffs as required under section 13702, shall be fined under title 18 or imprisoned not more than 2 years, or both.

“(c) ACTIONS OF AGENTS AND EMPLOYEES.—When acting in the scope of their employment, the actions and omissions of persons acting for or employed by a carrier or shipper that is subject to this section are considered to be the actions and omissions of that carrier or shipper as well as that person.

“(d) VENUE.—Trial in a criminal action under this section is in the judicial district in which any part of the violation is committed or through which the transportation is conducted.

§ 14904. Additional rate violations

“(a) REBATES BY AGENTS.—A person, or an officer, employee, or agent of that person, that—

“(1) offers, grants, gives, solicits, accepts, or receives a rebate for concession, in violation of a provision of this part related to motor carrier transportation subject to jurisdiction under subchapter I of chapter 135; or

...
"(2) by any means assists or permits another person to get transportation that is subject to jurisdiction under that subchapter at less than the rate in effect for that transportation under section 13702, is liable to the United States for a civil penalty of $200 for the first violation and $250 for a subsequent violation.

"(b) UNDERCHARGING.—

"(1) FREIGHT FORWARDER.—A freight forwarder providing service subject to jurisdiction under subchapter III of chapter 135, or an officer, agent, or employee of that freight forwarder, that assists a person in getting, or willingly permits a person to get, service provided under that subchapter at less than the rate in effect for that service under section 13702, is liable to the United States for a civil penalty of not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

"(2) OTHERS.—A person that by any means gets, or attempts to get, service provided under subchapter III of chapter 135 at less than the rate in effect for that service under section 13702, is liable to the United States for a civil penalty of not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

§ 14905. Penalties for violations of rules relating to loading and unloading motor vehicles

"(a) CIVIL PENALTIES.—Whoever knowingly authorizes, consents to, or permits a violation of subsection (a) or (b) of section 14103 or who knowingly violates subsection (a) of such section is liable to the United States for a civil penalty of not more than $10,000 for each violation.

"(b) CRIMINAL PENALTIES.—Whoever knowingly violates section 14103(b) of this title shall be fined under title 18 or imprisoned not more than 2 years, or both.

§ 14906. Evasion of regulation of carriers and brokers

"A person, or an officer, employee, or agent of that person, that by any means tries to evade regulation provided under this part for carriers or brokers is liable to the United States for a civil penalty of $200 for the first violation and at least $250 for a subsequent violation.

§ 14907. Recordkeeping and reporting violations

"A person required to make a report to the Secretary or the Board, as applicable, answer a question, or make, prepare, or preserve a record under this part about transportation subject to jurisdiction under subchapter I or III of chapter 135, or an officer, agent, or employee of that person, that—

"(1) does not make that report;

"(2) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary or Board, as applicable, requires the question to be answered;

"(3) does not make, prepare, or preserve that record in the form and manner prescribed;

"(4) falsifies, destroys, mutilates, or changes that report or record;

"(5) files a false report or record;

"(6) makes a false or incomplete entry in that record about a business related fact or transaction; or

"(7) makes, prepares, or preserves a record in violation of an applicable regulation or order of the Secretary or Board; is liable to the United States for a civil penalty of not more than $5,000.

§ 14908. Unlawful disclosure of information

"(a) DISCLOSURE OF SHIPMENT AND ROUTING INFORMATION.—
"(1) Violations.—A carrier or broker providing transportation subject to jurisdiction under subchapter I, II, or III of chapter 135 or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not disclose to another person, except the shipper or consignee, and a person may not solicit, or receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this part without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

"(2) Penalty.—A person violating paragraph (1) of this subsection is liable to the United States for a civil penalty of not more than $2,000.

"(b) Limitation on Statutory Construction.—This part does not prevent a carrier or broker providing transportation subject to jurisdiction under chapter 135 from giving information—

"(1) in response to legal process issued under authority of a court of the United States or a State;

"(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

"(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

"§ 14909. Disobedience to subpoenas

"Whoever does not obey a subpoena or requirement of the Secretary or the Board to appear and testify or produce records shall be fined under title 18 or imprisoned not more than 1 year, or both.

"§ 14910. General civil penalty when specific penalty not provided

"When another civil penalty is not provided under this chapter, a person that violates a provision of this part or a regulation or order prescribed under this part, or a condition of a registration under this part related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135 or a condition of a registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable to the United States for a civil penalty of $500 for each violation. A separate violation occurs each day the violation continues.

"§ 14911. Punishment of corporation for violations committed by certain individuals

"An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a carrier providing transportation or service subject to jurisdiction under chapter 135 that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.

"§ 14912. Weight-bumping in household goods transportation

"(a) Weight-Bumping Defined.—For the purposes of this section, 'weight-bumping' means the knowing and willful making or securing of a fraudulent weight on a shipment of household goods which is subject to jurisdiction under subchapter I or III of chapter 135.
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"(b) Penalty.—Whoever has been found to have committed weight-bumping shall be fined under title 18 or imprisoned not more than 2 years, or both.

§ 14913. Conclusiveness of rates in certain prosecutions

"When a carrier publishes or files a particular rate under section 13702 or participates in such a rate, the published or filed rate is conclusive proof against that carrier, its officers, and agents that it is the legal rate for that transportation or service in a proceeding begun under section 14902 or 14903. A departure, or offer to depart, from that published or filed rate is a violation of those sections.

§ 14914. Civil penalty procedures

"(a) In General.—After notice and an opportunity for a hearing, a person found by the Surface Transportation Board to have violated a provision of law that the Board carries out or a regulation prescribed under that law by the Board that is related to transportation which occurs under subchapter II of chapter 135 for which a civil penalty is provided, is liable to the United States for the civil penalty provided. The amount of the civil penalty shall be assessed by the Board by written notice. In determining the amount of the penalty, the Board shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(b) Compromise.—The Board may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

"(c) Collection.—If a person fails to pay an assessment of a civil penalty after it has become final, the Board may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(d) Refunds.—The Board may refund or remit a civil penalty collected under this section if—

“(1) application has been made for refund or remission of the penalty within 1 year from the date of payment; and

“(2) the Board finds that the penalty was unlawfully, improperly, or excessively imposed.”.

SEC. 104. MISCELLANEOUS MOTOR CARRIER PROVISIONS.

(a) Grants to States.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (O);

(2) by striking the period at the end of subparagraph (P) and inserting in lieu thereof “; and”;

(3) by adding at the end the following:

“(Q) ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31140 and 31146, or regulations issued thereunder.”

(b) Transport Vehicles for Off-Road, Competition Vehicles.—Section 31111(b)(1) of such title is amended—

(1) by striking “or” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and “or”;

(3) by adding at the end thereof the following:

“(E) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.”.

(c) Multiple Insurers.—Section 31138(c) of such title is amended by adding at the end the following new paragraph:
“(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.”.

(d) Minimum Financial Responsibility Requirements With Respect to Certain Transportation Service.—Section 31138(e) is amended—

1. by striking “or” at the end of paragraph (2);
2. by striking the period at the end of paragraph (3) and inserting in lieu thereof “; or”; and
3. by adding at the end the following:

“(4) providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under section 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; except that, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.”.

(e) Transporters of Property.—Section 31139(e) of such title is amended by adding at the end the following:

“(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.”.

(f) Commercial Motor Vehicle Defined.—Section 31132(1) of such title is amended—

1. by redesignating subparagraph (C) as subparagraph (D); and
2. by striking subparagraph (B) and inserting in lieu thereof the following:

“(B) is designed or used to transport passengers for compensation, but excluding vehicles providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;

“(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or”.

(g) Safety Fitness of Owners and Operators.—Section 31144 of such title is amended—

1. in the first sentence of subsection (a) by striking “In cooperation with the Interstate Commerce Commission, the” and inserting in lieu thereof “The”;
2. in such sentence by striking “sections 10922 and 10923” and inserting in lieu thereof “section 13902”;
3. in subsection (a)(1)(C) by striking “and the Commission”; and
4. by striking subsection (b) and inserting in lieu thereof the following:

“(b) Findings and Action on Registrations.—The Secretary shall find that a person seeking to register as a motor carrier is unfit if such person does not meet the safety fitness requirements established under subsection (a) and shall not register such person.”.

(h) Self-Insurance Rules.—The Secretary of Transportation shall continue to enforce the rules and regulations of the Interstate Commerce Commission, as in effect on July 1, 1995, governing the qualifications for approval of a motor carrier as a self-insurer, until such time as the Secretary finds it in the public interest to revise such rules. The revised rules must provide for—

1. continued ability of motor carriers to qualify as self-insurers; and
2. the continued qualification of all carriers then so qualified under the terms and conditions set by the Interstate Commerce Commission or Secretary at the time of qualification.
SEC. 105. CREDITABILITY OF ANNUAL LEAVE FOR PURPOSES OF MEETING MINIMUM ELIGIBILITY REQUIREMENTS FOR AN IMMEDIATE ANNUITY.

(a) In general.—An employee of the Interstate Commerce Commission who is separated from Government service pursuant to the abolition of that agency under section 101 shall, upon appropriate written application, be given credit, for purposes of determining eligibility for and computing the amount of any annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, for accrued annual leave standing to such employee's credit at the time of separation.

(b) Limitation and other conditions.—Any regulations necessary to carry out this section shall be prescribed by the Office of Personnel Management. Such regulations shall include provisions—

(1) defining the types of leave for which credit may be given under this section (such definition to be similar to the corresponding provisions of the regulations under section 351.608(c)(2) of title 5 of the Code of Federal Regulations, as in effect on the date of the enactment of this Act);

(2) limiting the amount of accrued annual leave which may be used for the purposes specified in subsection (a) to the minimum period of time necessary in order to permit such employee to attain first eligibility for an immediate annuity under section 8336, 8412, or 8414 of title 5, United States Code (in a manner similar to the corresponding provisions of the regulations referred to in paragraph (1));

(3) under which contributions (or arrangements for the making of contributions) shall be made so that—

(A) employee contributions for any period of leave for which retirement credit may be obtained under this section shall be made by the employee; and

(B) Government contributions with respect to such period shall similarly be made by the Interstate Commerce Commission or other appropriate officer or entity (out of appropriations otherwise available for such contributions); and

(4) under which subsection (a) shall not apply with respect to an employee who declines a reasonable offer of employment in another position in the Department of Transportation made under this Act or any amendment made by this Act.

(c) Extinction of eligibility for lump-sum payment.—A lump-sum payment under section 5551 of title 5, United States Code, shall not be payable with respect to any leave for which retirement credit is obtained under this section.

SEC. 106. PIPELINE CARRIER PROVISIONS.

(a) Amendment to Title 49.—Subtitle IV of title 49, United States Code, is further amended by adding at the end the following:

"PART C—PIPELINE CARRIERS

CHAPTER 151—GENERAL PROVISIONS

§ 15101. Transportation policy

(a) In general.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the national defense, it is the policy of the United States Government to oversee of the modes of transportation and in overseeing those modes—
(1) to recognize and preserve the inherent advantage of each mode of transportation;
(2) to promote safe, adequate, economical, and efficient transportation;
(3) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;
(4) to encourage the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices;
(5) to cooperate with each State and the officials of each State on transportation matters; and
(6) to encourage fair wages and working conditions in the transportation industry.

(b) ADMINISTRATION TO CARRY OUT POLICY.—This part shall be administered and enforced to carry out the policy of this section.

§ 15102. Definitions

In this part—
(1) BOARD.—The term ‘Board’ means the Surface Transportation Board.
(2) P IPELINE CARRIER.—The term ‘pipeline carrier’ means a person providing pipeline transportation for compensation.
(3) R ATE.—The term ‘rate’ means a rate or charge for transportation.
(4) S TATE.—The term ‘State’ means a State of the United States and the District of Columbia.
(5) T RANSPORTATION.—The term ‘transportation’ includes—
(A) property, facilities, instrumentalities, or equipment of any kind related to the movement of property, regardless of ownership or an agreement concerning use; and
(B) services related to that movement, including receipt, delivery, transfer in transit, storage, handling, and interchange of property.
(6) U NITED S TATES.—The term ‘United States’ means the States of the United States and the District of Columbia.

§ 15103. Remedies as cumulative

Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or common law.

CHAPTER 153—JURISDICTION

(a) I N GENERAL.—The Board has jurisdiction over transportation by pipeline, or by pipeline and railroad or water, when transporting a commodity other than water, gas, or oil. Jurisdiction under this subsection applies only to transportation in the United States between a place in—
(1) a State and a place in another State;
(2) the District of Columbia and another place in the District of Columbia;
(3) a State and a place in a territory or possession of the United States;
(4) a territory or possession of the United States and a place in another such territory or possession;
(5) a territory or possession of the United States and another place in the same territory or possession;
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“(6) the United States and another place in the United States through a foreign country; or
“(7) the United States and a place in a foreign country.

“(b) No Jurisdiction Over Intrastate Transportation.—The Board does not have jurisdiction under subsection (a) over the transportation of property, or the receipt, delivery, storage, or handling of property, entirely in a State (other than the District of Columbia) and not transported between a place in the United States and a place in a foreign country except as otherwise provided in this part.

“(c) Protection of States Powers.—This part does not affect the power of a State, in exercising its police power, to require reasonable intrastate transportation by carriers providing transportation subject to the jurisdiction of the Board under this chapter unless the State requirement is inconsistent with an order of the Board issued under this part or is prohibited under this part.

§ 15302. Authority to exempt pipeline carrier transportation

“(a) In General.—In a matter related to a pipeline carrier providing transportation subject to jurisdiction under this chapter, the Board shall exempt a person, class of persons, or a transaction or service when the Board finds that the application, in whole or in part, of a provision of this part—
“(1) is not necessary to carry out the transportation policy of section 15101; and
“(2) either (A) the transaction or service is of limited scope, or (B) the application, in whole or in part, of the provision is not needed to protect shippers from the abuse of market power.

“(b) Initiation of Proceeding.—The Board may, where appropriate, begin a proceeding under this section on its own initiative or an interested party.

“(c) Period of Exemption.—The Board may specify the period of time during which an exemption granted under this section is effective.

“(d) Revocation.—The Board may revoke an exemption, to the extent it specifies, when it finds that application, in whole or in part, of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 15101.

CHAPTER 155—RATES

“Sec.
“15501. Standards for pipeline rates, classifications, through routes, rules, and practices.
“15502. Authority for pipeline carriers to establish rates, classifications, rules, and practices.
“15503. Authority and criteria: rates, classifications, rules, and practices prescribed by Board.
“15504. Government traffic.
“15505. Prohibition against discrimination by pipeline carriers.
“15506. Facilities for interchange of traffic.

§ 15501. Standards for pipeline rates, classifications, through routes, rules, and practices

“(a) Reasonableness.—A rate, classification, rule, or practice related to transportation or service provided by a pipeline carrier subject to this part must be reasonable. A through route established by such a carrier must be reasonable.

“(b) Nondiscrimination.—A pipeline carrier providing transportation subject to this part may not discriminate in its rates against a connecting line of any other pipeline, rail, or water carrier providing transportation subject to this subtitle or unreasonably discriminate against that line in the distribution of traffic that is not routed specifically by the shipper.
``§ 15502. Authority for pipeline carriers to establish rates, classifications, rules, and practices
``A pipeline carrier providing transportation or service subject to this part shall establish—
``(1) rates and classifications for transportation and service it may provide under this part; and
``(2) rules and practices on matters related to that transportation or service.

``§ 15503. Authority and criteria: rates, classifications, rules, and practices prescribed by Board
``(a) IN GENERAL.—When the Board, after a full hearing, decides that a rate charged or collected by a pipeline carrier for transportation subject to this part, or that a classification, rule, or practice of that carrier, does or will violate this part, the Board may prescribe the rate, classification, rule, or practice to be followed. In prescribing the rate, classification, rule, or practice, the Board may utilize rate reasonableness procedures that provide an effective simulation of a market-based price for a stand alone pipeline. The Board may order the carrier to stop the violation. When a rate, classification, rule, or practice is prescribed under this subsection, the affected carrier may not publish, charge, or collect a different rate and shall adopt the classification and observe the rule or practice prescribed by the Board.
``(b) FACTORS TO CONSIDER.—When prescribing a rate, classification, rule, or practice for transportation or service by a pipeline carrier, the Board shall consider, among other factors—
``(1) the effect of the prescribed rate, classification, rule, or practice on the movement of traffic by that carrier;
``(2) the need for revenues that are sufficient, under honest, economical, and efficient management, to let the carrier provide that transportation or service; and
``(3) the availability of other economic transportation alternatives.
``(c) PROCEEDING.—The Board may begin a proceeding under this section on complaint. A complaint under this section must contain a full statement of the facts and the reasons for the complaint and must be made under oath.

``§ 15504. Government traffic
``A pipeline carrier providing transportation or service for the United States Government may transport property for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

``§ 15505. Prohibition against discrimination by pipeline carriers
``A pipeline carrier providing transportation or service subject to this part may not subject a person, place, port, or type of traffic to unreasonable discrimination.

``§ 15506. Facilities for interchange of traffic
``A pipeline carrier providing transportation subject to this part shall provide reasonable, proper, and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding, and delivering of property to and from, its respective line and a connecting line of a pipeline, rail, or water carrier under this subtitle.
§ 15701. Providing transportation and service

(a) Service on Reasonable Request.—A pipeline carrier providing transportation or service under this part shall provide the transportation or service on reasonable request.

(b) Rates and Other Terms.—A pipeline carrier shall also provide to any person, on request, the carrier's rates and other service terms. The response by a pipeline carrier to a request for the carrier's rates and other service terms shall be—

(1) in writing and forwarded to the requesting person promptly after receipt of the request; or

(2) promptly made available in electronic form.

(c) Limitation on Rate Increases and Changes to Service Terms.—A pipeline carrier may not increase any common carrier rates or change any common carrier service terms unless 20 days have expired after written or electronic notice is provided to any person who, within the previous 12 months—

(1) has requested such rates or terms under subsection (b); or

(2) has made arrangements with the carrier for a shipment that would be subject to such increased rates or changed terms.

(d) Provision of Service.—A pipeline carrier shall provide transportation or service in accordance with the rates and service terms, and any changes thereto, as published or otherwise made available under subsection (b) or (c).

(e) Regulations.—The Board shall, by regulation, establish rules to implement this section. The regulations shall provide for immediate disclosure and dissemination of rates and service terms, including classifications, rules, and practices, and their effective dates. The regulations may modify the 20-day period specified in subsection (c). Final regulations shall be adopted by the Board not later than 180 days after the effective date of this section.
“(b) Inspection.—The Board, or an employee designated by the Board, may on demand and display of proper credentials—

“(1) inspect and examine the lands, buildings, and equipment of a pipeline carrier or lessor; and

“(2) inspect and copy any record of—

“(A) a pipeline carrier, lessor, or association; and

“(B) a person controlling, controlled by, or under common control with a pipeline carrier if the Board considers inspection relevant to that person’s relation to, or transaction with, that carrier.

“(c) Preservation Period.—The Board may prescribe the time period during which operating, accounting, and financial records must be preserved by pipeline carriers and lessors.

“§ 15723. Reports by carriers, lessors, and associations

“(a) Filing of reports.—The Board may require pipeline carriers, lessors, and associations, or classes of them as the Board may prescribe, to file annual, periodic, and special reports with the Board containing answers to questions asked by it.

“(b) Under oath.—Any report under this section shall be made under oath.

“CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

“CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

“§ 15901. General authority

“(a) Investigation; compliance order.—Except as otherwise provided in this part, the Board may begin an investigation under this part only on complaint. If the Board finds that a pipeline carrier is violating this part, the Board shall take appropriate action to compel compliance with this part. The Board shall provide the carrier notice of the investigation and an opportunity for a proceeding.

“(b) Complaint.—A person, including a governmental authority, may file with the Board a complaint about a violation of this part by a pipeline carrier providing transportation or service subject to this part. The complaint must state the facts that are the subject of the violation. The Board may dismiss a complaint it determines does not state reasonable grounds for investigation and action. However, the Board may not dismiss a complaint made against a pipeline carrier providing transportation subject to this part because of the absence of direct damage to the complainant.

“(c) Automatic dismissal.—A formal investigative proceeding begun by the Board under subsection (a) is dismissed automatically unless it is concluded by the Board with administrative finality by the end of the 3d year after the date on which it was begun.

“§ 15902. Enforcement by the Board

“The Board may bring a civil action to enforce an order of the Board, except a civil action to enforce an order for the payment of money, when it is violated by a pipeline carrier providing transportation subject to this part.

“§ 15903. Enforcement by the Attorney General

“(a) On behalf of Board.—The Attorney General may, and on request of the Board shall, bring court proceedings to enforce
this part or a regulation or order of the Board and to prosecute a person violating this part or a regulation or order of the Board issued under this part.

“(b) ON BEHALF OF OTHERS.—The United States Government may bring a civil action on behalf of a person to compel a pipeline carrier providing transportation or service subject to this part to provide that transportation or service to that person in compliance with this part at the same rate charged, or on conditions as favorable as those given by the carrier, for like traffic under similar conditions to another person.

“§ 15904. Rights and remedies of persons injured by pipeline carriers

“(a) ENFORCEMENT OF ORDERS.—A person injured because a pipeline carrier providing transportation or service subject to this part does not obey an order of the Board, except an order for the payment of money, may bring a civil action to enforce that order under this subsection.

“(b) LIABILITY OF CARRIER.—

“(1) EXCESSIVE CHARGES.—A pipeline carrier providing transportation subject to this part is liable to a person for amounts charged that exceed the applicable rate for the transportation.

“(2) DAMAGES.—A pipeline carrier providing transportation subject to this part is liable for damages sustained by a person as a result of an act or omission of that carrier in violation of this part.

“(c) COMPLAINTS.—

“(1) FILING.—A person may file a complaint with the Board under section 11501(b) or bring a civil action under subsection (b) to enforce liability against a pipeline carrier providing transportation subject to this part.

“(2) PAYMENT DEADLINE.—When the Board makes an award under subsection (b), the Board shall order the carrier to pay the amount awarded by a specific date. The Board may order a carrier providing transportation subject to this part to pay damages only when the proceeding is on complaint. The person for whose benefit an order of the Board requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier does not pay the amount awarded by the date payment was ordered to be made.

“(d) CIVIL ACTIONS.—

“(1) COMPLAINT.—When a person begins a civil action under subsection (b) to enforce an order of the Board requiring the payment of damages by a pipeline carrier providing transportation subject to this part, the text of the order of the Board must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Board are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

“(2) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee as a part of the damages for which a carrier is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.
§ 15905. Limitation on actions by and against pipeline carriers

(a) In General.—A pipeline carrier providing transportation or service subject to this part must begin a civil action to recover charges for transportation or service provided by the carrier within 3 years after the claim accrues.

(b) Overcharges.—A person must begin a civil action to recover overcharges under section 15904(b)(1) within 3 years after the claim accrues. If an election to file a complaint with the Board is made under section 15904(c)(1), the complaint must be filed within 3 years after the claim accrues.

(c) Damages.—A person must file a complaint with the Board to recover damages under section 15904(b)(2) within 2 years after the claim accrues.

(d) Extensions.—The limitation periods under subsection (b) are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under subsection (b) and the 2-year period under subsection (c) are extended for 90 days from the time the carrier begins a civil action under subsection (a) to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

(e) Payment.—A person must begin a civil action to enforce an order of the Board against a carrier for the payment of money within one year after the date the order required the money to be paid.

(f) Government Transportation.—This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the date of—

(1) payment of the rate for the transportation or service involved,

(2) subsequent refund for overpayment of that rate, or

(3) deduction made under section 3726 of title 31, whichever is later.

(g) Accrual Date.—A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the carrier.

§ 15906. Liability of pipeline carriers under receipts and bills of lading

(a) General Liability.—A pipeline carrier providing transportation or service subject to this part shall issue a receipt or bill of lading for property it receives for transportation under this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under this part are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this subsection is for the actual loss or injury to the property caused by the carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading. Failure to issue a receipt or bill of lading does not affect the liability of a carrier.

(b) Apportionment.—The carrier issuing the receipt or bill of lading under subsection (a) or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount
of its expenses reasonably incurred in defending a civil action brought by that person.

"(c) Civil Actions.—A civil action under this section may be brought against a delivering carrier in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States, is in a judicial district, and if in a State court, is in a State, through which the defendant carrier operates a line or route.

"(d) Minimum Period for Filing Claims.—A pipeline carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice. For the purposes of this subsection—

"(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

"(2) communications received from a carrier’s insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reasons for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

"CHAPTER 161—CIVIL AND CRIMINAL PENALTIES

"CHAPTER 161—CIVIL AND CRIMINAL PENALTIES

"Sec.
"16101. General civil penalties.
"16102. Recordkeeping and reporting violations.
"16103. Unlawful disclosure of information.
"16104. Disobedience to subpoenas.
"16105. General criminal penalty when specific penalty not provided.
"16106. Punishment of corporation for violations committed by certain individuals.

"§ 16101. General civil penalties

"(a) General.—Except as otherwise provided in this section, a pipeline carrier providing transportation subject to this part, an officer or agent of that carrier, or a receiver, trustee, lessee, or agent of one of them, knowingly violating this part or an order of the Board under this part is liable to the United States for a civil penalty of not more than $5,000 for each violation. Liability under this subsection is incurred for each distinct violation. A separate violation occurs for each day the violation continues.

"(b) Recordkeeping and Reporting.—

"(1) Records.—A person required under chapter 157 to make, prepare, preserve, or submit to the Board a record concerning transportation subject to this part that does not make, prepare, preserve, or submit that record as required under that chapter, is liable to the United States for a civil penalty of $500 for each violation.

"(2) Inspection.—A carrier providing transportation subject to this part, and a lessor, receiver, or trustee of that carrier, violating section 15722, is liable to the United States for a civil penalty of $100 for each violation.

"(3) Reports.—A carrier providing transportation subject to the jurisdiction of the Board under this part, a lessor, receiver, or trustee of that carrier, and an officer, agent, or employee of one of them, required to make a report to the Board or answer a question that does not make the report or does not specifically, completely, and truthfully answer the question, is liable to the United States for a civil penalty of $100 for each violation.
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“(4) CONTINUED VIOLATION.—A separate violation occurs for each day violation under this subsection continues.

“(d) VENUE.—Trial in a civil action under this section is in the judicial district in which the carrier has its principal operating office.

§ 16102. Recordkeeping and reporting violations

“A person required to make a report to the Board, or make, prepare, or preserve a record, under chapter 157 about transportation subject to this part that knowingly and willfully—

“(1) makes a false entry in the report or record,

“(2) destroys, mutilates, changes, or by another means falsifies the record,

“(3) does not enter business related facts and transactions in the record,

“(4) makes, prepares, or preserves the record in violation of a regulation or order of the Board, or

“(5) files a false report or record with the Board, shall be fined under title 18 or imprisoned not more than 2 years, or both.

§ 16103. Unlawful disclosure of information

“(a) GENERAL PROHIBITION.—A pipeline carrier providing transportation subject to this part, or an officer, agent, or employee of that carrier, or another person authorized to receive information from that carrier, that knowingly discloses to another person, except the shipper or consignee, or a person who solicits or knowingly receives information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier for transportation provided under this part without the consent of the shipper or consignee, if that information may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor the business transactions of the shipper or consignee, is liable to the United States for a civil penalty of not more than $1,000.

“(b) LIMITATION ON STATUTORY CONSTRUCTION.—This part does not prevent a pipeline carrier providing transportation under this part from giving information—

“(1) in response to legal process issued under authority of a court of the United States or a State;

“(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

“(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

“(c) BOARD EMPLOYEE.—An employee of the Board delegated to make an inspection or examination under section 15722 who knowingly discloses information acquired during that inspection or examination, except as directed by the Board, a court, or a judge of that court, shall be fined under title 18 or imprisoned for not more than 6 months, or both.

§ 16104. Disobedience to subpenas

“Whoever does not obey a subpena or requirement of the Board to appear and testify or produce records shall be fined under title 18 or imprisoned not more than 1 year, or both.

§ 16105. General criminal penalty when specific penalty not provided

“When another criminal penalty is not provided under this chapter, a pipeline carrier providing transportation subject to this part, and when that carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under
this part, shall be fined under title 18 or imprisoned not more than 2 years, or both. A separate violation occurs each day a violation of this part continues.

§ 16106. Punishment of corporation for violations committed by certain individuals

“An act or omission that would be a violation of this subtitle if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a pipeline carrier providing transportation or service subject to this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.”

(b) GAO Report.—Within 3 years after the effective date of this Act, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the impact of regulations under part C of title 49, United States Code, on the competitiveness of pipelines and recommend whether to continue, revise, or sunset such regulations. Congress shall take into account the findings of this report when considering the Board’s reauthorization.

TITLE II—SURFACE TRANSPORTATION BOARD

SEC. 201. TITLE 49 AMENDMENT.

(a) Amendment.—Subtitle I of title 49, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 7—SURFACE TRANSPORTATION BOARD

“SUBCHAPTER I—ESTABLISHMENT

§ 701. Establishment of Board

“(a) Establishment.—There is hereby established within the Department of Transportation the Surface Transportation Board.

“(b) Membership.—(1) The Board shall consist of 3 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 2 members may be appointed from the same political party.

“(2) At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation, and at least one member shall be an individual with professional or business experience (including agriculture) in the private sector.

“(3) The term of each member of the Board shall be 5 years and shall begin when the term of the predecessor of that member

49 USC 15101 note.
ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

“(4) On the effective date of this section, the members of the Interstate Commerce Commission serving unexpired terms on the date of the enactment of the ICC Termination Act of 1995 shall become members of the Board, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate Commerce Commission. Any member of the Interstate Commerce Commission whose term expires on December 31, 1995, shall become a member of the Board, subject to paragraph (3).

“(5) No individual may serve as a member of the Board for more than 2 terms. In the case of an individual who becomes a member of the Board pursuant to paragraph (4), or an individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than one additional term.

“(6) A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

“(7) A vacancy in the membership of the Board does not impair the right of the remaining members to exercise all of the powers of the Board. The Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

“(c) Chairman.—(1) There shall be at the head of the Board a Chairman, who shall be designated by the President from among the members of the Board. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

“(2) Subject to the general policies, decisions, findings, and determinations of the Board, the Chairman shall be responsible for administering the Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Board. The Chairman shall—

“(A) appoint and supervise, other than regular and full-time employees in the immediate offices of another member, the officers and employees of the Board, including attorneys to provide legal aid and service to the Board and its members, and to represent the Board in any case in court;

“(B) appoint the heads of offices with the approval of the Board;

“(C) distribute Board business among officers and employees of the Board;

“(D) prepare requests for appropriations for the Board and submit those requests to the President and Congress with the prior approval of the Board; and

“(E) supervise the expenditure of funds allocated by the Board for major programs and purposes.

§ 702. Functions

“Except as otherwise provided in the ICC Termination Act of 1995, or the amendments made thereby, the Board shall perform all functions that, immediately before the effective date of such Act, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.
§ 703. Administrative provisions

(a) Executive Reorganization.—Chapter 9 of title 5, United States Code, shall apply to the Board in the same manner as it does to an independent regulatory agency, and the Board shall be an establishment of the United States Government.

(b) Open Meetings.—For purposes of section 552b of title 5, United States Code, the Board shall be deemed to be an agency.

(c) Independence.—In the performance of their functions, the members, employees, and other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.

(d) Representation by Attorneys.—Attorneys designated by the Chairman of the Board may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board pursuant to this chapter or subtitle IV or as otherwise authorized by law.

(e) Admission to Practice.—Subject to section 500 of title 5, the Board may regulate the admission of individuals to practice before it and may impose a reasonable admission fee.

(f) Budget Requests.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Board and include a statement by the Board—

(1) showing the amount requested by the Board in its budgetary presentation to the Secretary and the Office of Management and Budget; and

(2) an assessment of the budgetary needs of the Board.

(g) Direct Transmittal to Congress.—The Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Board with Congress, or a committee or Member of Congress, about the information.

§ 704. Annual report

The Board shall annually transmit to the Congress a report on its activities.

§ 705. Authorization of appropriations

There are authorized to be appropriated for the activities of the Board—

(1) $8,421,000 for fiscal year 1996;

(2) $12,000,000 for fiscal year 1997; and

(3) $12,000,000 for fiscal year 1998.

§ 706. Reporting official action

(a) Reports on Proceedings.—The Board shall make a written report of each proceeding conducted on complaint or on its own initiative and furnish a copy to each party to that proceeding. The report shall include the findings, conclusions, and the order of the Board and, if damages are awarded, the findings of fact supporting the award. The Board may have its reports published for public use. A published report of the Board is competent evidence of its contents.

(b) Special Rules for Matters Related to Rail Carriers.—(1) When action of the Board in a matter related to a rail carrier is taken by the Board, an individual member of the Board, or another individual or group of individuals designated to take official action for the Board, the written statement of that action (including a report, order, decision and order, vote, notice, letter, policy statement, or regulation) shall indicate—
“(A) the official designation of the individual or group taking the action;
“(B) the name of each individual taking, or participating in taking, the action; and
“(C) the vote or position of each participating individual.
“(2) If an individual member of a group taking an official action referred to in paragraph (1) does not participate in it, the written statement of the action shall indicate that the member did not participate. An individual participating in taking an official action is entitled to express the views of that individual as part of the written statement of the action. In addition to any publication of the written statement, it shall be made available to the public under section 552(a) of title 5.

“SUBCHAPTER II—ADMINISTRATIVE

§ 721. Powers

“(a) IN GENERAL.—The Board shall carry out this chapter and subtitle IV. Enumeration of a power of the Board in this chapter or subtitle IV does not exclude another power the Board may have in carrying out this chapter or subtitle IV. The Board may prescribe regulations in carrying out this chapter and subtitle IV.
“(b) INQUIRIES, REPORTS, AND ORDERS.—The Board may—
“(1) inquire into and report on the management of the business of carriers providing transportation and services subject to subtitle IV;
“(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers to the extent that the business of that person is related to the management of the business of that carrier;
“(3) obtain from those carriers and persons information the Board decides is necessary to carry out subtitle IV; and
“(4) when necessary to prevent irreparable harm, issue an appropriate order without regard to subchapter II of chapter 5 of title 5.
“(c) SUBPOENA WITNESSES.—(1) The Board may subpoena witnesses and records related to a proceeding of the Board from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Board, or a party to a proceeding before the Board, may petition a court of the United States to enforce that subpoena.
“(2) The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.
“(d) DEPOSITIONS.—(1) In a proceeding, the Board may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending before the Board may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.
“(2) If a witness fails to be deposed or to produce records under paragraph (1), the Board may subpoena the witness to take a deposition, produce the records, or both.
“(3) A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.
“(4) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record.
of that party, whoever is nearest. The notice shall state the name
of the witness and the time and place of taking the deposition.

(5) The testimony of a person deposed under this subsection
shall be taken under oath. The person taking the deposition shall
prepare, or cause to be prepared, a transcript of the testimony
taken. The transcript shall be subscribed by the deponent.

(6) The testimony of a witness who is in a foreign country
may be taken by deposition before an officer or person designated
by the Board or agreed on by the parties by written stipulation
filed with the Board. A deposition shall be filed with the Board
promptly.

(e) Witness Fees.—Each witness summoned before the Board
or whose deposition is taken under this section and the individual
taking the deposition are entitled to the same fees and mileage
paid for those services in the courts of the United States.

§ 722. Board action

(a) Effective Date of Actions.—Unless otherwise provided
in subtitle IV, the Board may determine, within a reasonable time,
when its actions, other than an action ordering the payment of
money, take effect.

(b) Terminating and Changing Actions.—An action of the
Board remains in effect under its own terms or until superseded.
The Board may change, suspend, or set aside any such action
on notice. Notice may be given in a manner determined by the
Board. A court of competent jurisdiction may suspend or set aside
any such action.

(c) Reconsidering Actions.—The Board may, at any time
on its own initiative because of material error, new evidence, or
substantially changed circumstances—

(1) reopen a proceeding;

(2) grant rehearing, reargument, or reconsideration of an
action of the Board; or

(3) change an action of the Board.

An interested party may petition to reopen and reconsider an action
of the Board under this subsection under regulations of the Board.

(d) Finality of Actions.—Notwithstanding subtitle IV, an
action of the Board under this section is final on the date on
which it is served, and a civil action to enforce, enjoin, suspend,
or set aside the action may be filed after that date.

§ 723. Service of notice in Board proceedings

(a) Designation of Agent.—A carrier providing transpor-
tation subject to the jurisdiction of the Board under subtitle IV
shall designate an agent in the District of Columbia, on whom
service of notices in a proceeding before, and of actions of, the
Board may be made.

(b) Filing and Changing Designations.—A designation
under subsection (a) shall be in writing and filed with the Board.
The designation may be changed at any time in the same manner
as originally made.

(c) Service of Notice.—Except as otherwise provided, notices
of the Board shall be served on its designated agent at the office
or usual place of residence in the District of Columbia of that
agent. A notice of action of the Board shall be served immediately
on the agent or in another manner provided by law. If that carrier
does not have a designated agent, service may be made by posting
the notice in the office of the Board.

(d) Special Rule for Rail Carriers.—In a proceeding involv-
ing the lawfulness of classifications, rates, or practices of a rail
carrier that has not designated an agent under this section, service
of notice of the Board on an attorney in fact for the carrier con-
stitutes service of notice on the carrier.
§ 724. Service of process in court proceedings

(a) Designation of Agent.—A carrier providing transportation subject to the jurisdiction of the Board under subtitle IV shall designate an agent in the District of Columbia on whom service of process in an action before a district court may be made. Except as otherwise provided, process in an action before a district court shall be served on the designated agent of that carrier at the office or usual place of residence in the District of Columbia of that agent. If the carrier does not have a designated agent, service may be made by posting the notice in the office of the Board.

(b) Changing Designation.—A designation under this section may be changed at any time in the same manner as originally made.

§ 725. Administrative support

The Secretary of Transportation shall provide administrative support for the Board.

§ 726. Railroad-Shipper Transportation Advisory Council

(a) Establishment; Membership.—There is established the Railroad-Shipper Transportation Advisory Council (in this section referred to as the ‘Council’) to be composed of 19 members, of which 15 members shall be appointed by the Chairman of the Board, after recommendation from rail carriers and shippers, within 60 days after the date of enactment of the ICC Termination Act of 1995. The members of the Council shall be appointed as follows:

(1) The members of the Council shall be appointed from among citizens of the United States who are not regular full-time employees of the United States and shall be selected for appointment so as to provide as nearly as practicable a broad representation of the various segments of the railroad and rail shipper industries.

(2) Nine of the members shall be appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries, which 9 members shall be the voting members of the Council. Council action and Council positions shall be determined by a majority vote of the members present. A majority of such voting members shall constitute a quorum. Of such 9 voting members—

(A) at least 4 shall be representative of small shippers (as determined by the Chairman); and

(B) at least 4 shall be representative of Class II or III railroads.

(3) The remaining 6 members of the Council shall serve in a nonvoting advisory capacity only, but shall be entitled to participate in Council deliberations. Of the remaining members—

(A) 3 shall be representative of Class I railroads; and

(B) 3 shall be representative of large shipper organizations (as determined by the Chairman).

(4) The Secretary of Transportation and the members of the Board shall serve as ex officio, nonvoting members of the Council. The Council shall not be subject to the Federal Advisory Committee Act. A list of the members appointed to the Council shall be forwarded to the Chairmen and ranking members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) Each ex officio member of the Council may designate an alternate, who shall serve as a member of the Council whenever the ex officio member is unable to attend a meeting of the Council. Any such designated alternate shall be selected
from individuals who exercise significant decision-making authority in the Federal agency involved.

"(b) Term of Office.—The members of the Council shall be appointed for a term of office of 3 years, except that of the members first appointed—

"(1) 5 members shall be appointed for terms of 1 year; and

"(2) 5 members shall be appointed for terms of 2 years, as designated by the Chairman at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. Vacancies on the Council shall be filled in the same manner in which the original appointments were made. No member of the Council shall be eligible to serve in excess of two consecutive terms.

"(c) Election and Duties of Officers.—The Council Chairman and Vice Chairman and other appropriate officers of the Council shall be elected by and from the voting members of the Council. The Council Chairman shall serve as the Council's executive officer and shall direct the administration of the Council, assign officer and committee duties, and shall be responsible for issuing and communicating the reports, policy positions and statements of the Council. In the event that the Council Chairman is unable to serve, the Vice Chairman shall act as Council Chairman.

"(d) Expenses.—(1) The members of the Council shall receive no compensation for their services as such, but upon request by the Council Chairman, based on a showing of significant economic burden, the Secretary of Transportation or the Chairman of the Board, to the extent provided in advance in appropriation Acts, may provide reasonable and necessary travel expenses for such individual Council members from Department or Board funding sources in order to foster balanced representation on the Council.

"(2) Upon request by the Council Chairman, the Secretary or Chairman of the Board, to the extent provided in advance in appropriations Acts, may pay the reasonable and necessary expenses incurred by the Council in connection with the coordination of Council activities, announcement and reporting of meetings, and preparation of such Council documents as are required or permitted by this section.

"(3) The Council may solicit and use private funding for its activities, subject to this subsection.

"(4) Prior to making any Federal funding requests, the Council Chairman shall undertake best efforts to fund such activities privately unless the Council Chairman determines that such private funding would create a conflict of interest, or the appearance thereof, or is otherwise impractical. The Council Chairman shall not request funding from any Federal agency without providing written justification as to why private funding would create any such conflict or appearance, or is otherwise impractical.

"(5) To enable the Council to carry out its functions—

"(A) the Council Chairman may request directly from any Federal agency such personnel, information, services, or facilities, on a compensated or uncompensated basis, as the Council Chairman determines necessary to carry out the functions of the Council;

"(B) each Federal agency may, in its discretion, furnish the Council with such information, services, and facilities as the Council Chairman may request to the extent permitted by law and within the limits of available funds; and

"(C) each Federal agency may, in its discretion, detail to temporary duty with the Council, such personnel as the Council Chairman may request for carrying out the functions of the
Council, each such detail to be without loss of seniority, pay, or other employee status.

(e) MEETINGS.—The Council shall meet at least semi-annually and shall hold other meetings at the call of the Council Chairman. Appropriate Federal facilities, where available, may be used for such meetings. Whenever the Council, or a committee of the Council, considers matters that affect the jurisdictional interests of Federal agencies that are not represented on the Council, the Council Chairman may invite the heads of such agencies, or their designees, to participate in the deliberations of the Council.

(f) FUNCTIONS AND DUTIES; ANNUAL REPORT.—(1) The Council shall advise the Secretary, the Chairman, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues it considers significant, with particular attention to issues of importance to small shippers and small railroads, including car supply, rates, competition, and effective procedures for addressing legitimate shipper and other claims.

(2) To the extent the Council addresses specific grain car issues, it shall coordinate such activities with the National Grain Car Council. The Secretary and Chairman shall cooperate with the Council to provide research, technical and other reasonable support in developing any reports and policy statements required or authorized by this subsection.

(3) The Council shall endeavor to develop within the private sector mechanisms to prevent, or identify and effectively address, obstacles to the most effective and efficient transportation system practicable.

(4) The Council shall prepare an annual report concerning its activities and the results of Council efforts to resolve industry issues, and propose whatever regulatory or legislative relief it considers appropriate. The Council shall include in the annual report such recommendations as it considers appropriate with respect to the performance of the Secretary and Chairman under this chapter, and with respect to the operation and effectiveness of meetings and industry developments relating to the Council’s efforts, and such other information as it considers appropriate. Such annual reports shall be reviewed by the Secretary and Chairman, and shall include the Secretary’s and Chairman’s views or comments relating to—

(A) the accuracy of information therein;
(B) Council efforts and reasonableness of Council positions and actions; and
(C) any other aspects of the Council’s work as they may consider appropriate.

The Council may prepare other reports or develop policy statements as the Council considers appropriate. An annual report shall be submitted for each fiscal year and shall be submitted to the Secretary and Chairman within 90 days after the end of the fiscal year. Other such reports and statements may be submitted as the Council considers appropriate.

§ 727. Definitions

“All terms used in this chapter that are defined in subtitle IV shall have the meaning given those terms in that subtitle.”.

(b) TABLE OF CHAPTERS AMENDMENT.—The table of chapters of subtitle I of title 49, United States Code, is amended by adding at the end the following new item:

“7. SURFACE TRANSPORTATION BOARD ............................................. 701”.

SEC. 202. REORGANIZATION.

The Chairman of the Surface Transportation Board (in this Act referred to as the “Board”) may allocate or reallocate any function of the Board, consistent with this title and subchapter
SEC. 203. TRANSFER OF ASSETS AND PERSONNEL.  
(a) To Board.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Board by this Act shall be transferred to the Board for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Interstate Commerce Commission shall also be transferred to the Board. Such unexpended balances, allocations, and other funds, together with any unobligated balances from user fees collected by the Commission during fiscal year 1996, may be used to pay for the closedown of the Commission and severance costs for Commission personnel, regardless of whether those costs are incurred at the Commission or at the Board.

(b) To Secretary.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Secretary by this Act, shall be transferred to the Secretary for use in connection with the functions transferred.

(c) Separated Employees.—Notwithstanding all other laws and regulations, the Department of Transportation shall place all Interstate Commerce Commission employees separated from the Commission as a result of this Act on the DOT reemployment priority list (competitive service) or the priority employment list (excepted service).

SEC. 204. SAVING PROVISIONS.  
(a) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Interstate Commerce Commission, any officer or employee of the Interstate Commerce Commission, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board, any other authorized official, a court of competent jurisdiction, or operation of law. The Board shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act.

(b) Proceedings.—(1) The provisions of this Act shall not affect any proceedings or any application for any license pending before the Interstate Commerce Commission at the time this Act takes effect, insofar as those functions are retained and transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court
of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Board and the Secretary are authorized to provide for the orderly transfer of pending proceedings from the Interstate Commerce Commission.

(3)(A) Except as provided in subparagraphs (B) and (C), in the case of a proceeding under a provision of law repeal, and not reenacted, by this Act such proceeding shall be terminated.

(B) Any proceeding involving a pipeline carrier under subtitle IV of title 49, United States Code, shall be continued to be heard by the Board under such subtitle, as in effect on the day before the effective date of this section, until completion of such proceeding.

(C) Any proceeding involving the merger of a motor carrier property under subtitle IV of title 49, United States Code, shall continue to be heard by the Board under such subtitle, as in effect on the day before the effective date of this section, until completion of such proceeding.

(4) Any proceeding with respect to any tariff, rate charge, classification, rule, regulation, or service that was pending under the Intercoastal Shipping Act, 1933 or the Shipping Act, 1916 before the Federal Maritime Commission on November 1, 1995, shall continue to be heard until completion or issuance of a final order thereon under all applicable laws in effect as of November 1, 1995.

(c) SUITS.—(1) This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraph (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) Any suit by or against the Interstate Commerce Commission begun before the effective date of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Board (to the extent the suit involves functions transferred to the Board under this Act) or the Secretary (to the extent the suit involves functions transferred to the Secretary under this Act) substituted for the Commission.

(3) If the court in a suit described in paragraph (1) remands a case to the Board or the Secretary, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(d) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Interstate Commerce Commission shall abate by reason of the enactment of this Act. No cause of action by or against the Interstate Commerce Commission, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

(e) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Board may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

SEC. 205. REFERENCES.

Any reference to the Interstate Commerce Commission in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Interstate Commerce Commission or an officer or employee of the Interstate Commerce Commission.
TITLE III—CONFORMING AMENDMENTS

Subtitle A—Amendments to United States Code

SEC. 301. TITLE 5 AMENDMENTS.
(a) COMPENSATION FOR POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking “Chairman, Interstate Commerce Commission.” and inserting in lieu thereof “Chairman, Surface Transportation Board.”.
(b) COMPENSATION FOR POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking “Members, Interstate Commerce Commission.” and inserting in lieu thereof “Members, Surface Transportation Board.”.

SEC. 302. TITLE 11 AMENDMENTS.
Subchapter IV of chapter 11 of title 11, United States Code, is amended—
(1) by striking section 1162 and inserting in lieu thereof the following:

§ 1162. Definition

“In this subchapter, ‘Board’ means the ‘Surface Transportation Board’.”;
and
(2) by striking “Commission” each place it appears and inserting in lieu thereof “Board”.

SEC. 303. TITLE 18 AMENDMENTS.
Title 18, United States Code, is amended—
(1) in section 921(a)(27) by striking “10102” and inserting in lieu thereof “13102”; and
(2) in section 6001(1) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”.

SEC. 304. INTERNAL REVENUE CODE OF 1986 AMENDMENTS.
(a) SECTION 168.—Section 168(g)(4)(B)(i) of the Internal Revenue Code of 1986 is amended by striking “domestic railroad corporation providing transportation subject to subchapter I of chapter 105” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV”.
(b) SECTION 281.—Subparagraphs (A) and (B) of section 281(d)(1) of such Code are each amended by striking “domestic railroad corporations providing transportation subject to subchapter I of chapter 105” and inserting in lieu thereof “rail carriers subject to part A of subtitle IV”.
(c) SECTION 354.—Section 354(c) of such Code is amended by striking “or approved by the Interstate Commerce Commission under subchapter IV of chapter 113 of title 49,”.
(d) SECTION 3231.—Section 3231 of such Code is amended—
(1) in subsection (a) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”; and
(2) in subsection (g) by striking “an express carrier, sleeping car carrier, or rail carrier providing transportation subject to subchapter I of chapter 105” and inserting in lieu thereof “a rail carrier subject to part A of subtitle IV”.
(e) SECTION 7701.—Section 7701(a) of such Code is amended—
(1) in paragraph (33)(B) by striking "Federal Power Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission";
(2) in paragraph (33)(C)(i) by striking "Interstate Commerce Commission" and inserting in lieu thereof "Surface Transportation Board";
(3) in paragraph (33)(C)(ii) by striking "Interstate Commerce Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission";
(4) in paragraph (33)(F) by striking "common carrier" and all that follows through "1933" and inserting in lieu thereof "a water carrier subject to jurisdiction under subchapter II of chapter 135 of title 49";
(5) in paragraph (33)(G) by striking "railroad corporation subject to subchapter I of chapter 105" and inserting in lieu thereof "rail carrier subject to part A of subtitle IV"; and
(6) in paragraph (33)(H) by striking "subchapter I of chapter 105" and inserting in lieu thereof "part A of subtitle IV".

SEC. 305. TITLE 28 AMENDMENTS.

(a) CHAPTE 85.—Chapter 85 of title 28, United States Code, is amended—
(1) in the section heading to section 1336 by striking "Interstate Commerce Commission's" and inserting in lieu thereof "Surface Transportation Board's";
(2) in section 1336 by striking "Interstate Commerce Commission" each place it appears and inserting in lieu thereof "Surface Transportation Board";
(3) in section 1337 by striking "11707" each place it appears and inserting in lieu thereof "11706 or 14706"; and
(4) in the item relating to section 1336 of the table of sections by striking "Interstate Commerce Commission's" and inserting in lieu thereof "Surface Transportation Board's".

(b) SECTION 1445.—Section 1445(b) of such title is amended—
(1) by striking "common"; and
(2) by striking "11707" and inserting in lieu thereof "11706 or 14706".

(c) CHAPTER 157 AMENDMENTS.—
(1) IN GENERAL.—Chapter 157 of such title is amended—
(A) by striking "INTERSTATE COMMERCE COMMISSION" in the chapter heading and inserting in lieu thereof "SURFACE TRANSPORTATION BOARD";
(B) by striking "Commission's" in the section heading to section 2321 and inserting in lieu thereof "Board's";
(C) by striking "Interstate Commerce Commission" each place it appears and inserting in lieu thereof "Surface Transportation Board";
(D) in section 2323 by striking "Commission" the second and third places it appears and inserting in lieu thereof "Board"; and
(E) in the item relating to section 2321 of the table of sections by striking "Commission's" and inserting in lieu thereof "Board's".
(2) TABLE OF CHAPTERS.—The item relating to chapter 157 in the table of chapters of such title is amended by striking "Interstate Commerce Commission", and inserting in lieu thereof "Surface Transportation Board".

(d) CHAPTER 158 AMENDMENTS.—Chapter 158 of such title is amended—
(1) in section 2341(3)(A) by striking "the Interstate Commerce Commission,;"
(2) by striking "and" at the end of section 2341(3)(C);
(3) by striking the period at the end of section 2341(3)(D) and inserting in lieu thereof "; and";
TRANSPORTATION ACTS

(4) by inserting at the end of section 2341(3) the following new subparagraph:

``(E) the Board, when the order was entered by the Surface Transportation Board.'';

(5) in section 2342(3)(A) by striking “41, or 43” and inserting in lieu thereof “or 41’’;

(6) by inserting “or pursuant to part B or (C) of subtitle IV of title 49’’ before the semicolon at the end of section 2342(3)(A);

(7) in section 2342(3)(B)—

(A) by striking clauses (i) and (iii); and

(B) by redesignating clauses (ii), (iv), and (v) as clauses (i), (ii), and (iii), respectively; and

(8) by striking paragraph (5) of section 2342 and inserting in lieu thereof the following:

“(5) all rules, regulations, or final orders of the Surface Transportation Board made reviewable by section 2321 of this title’’.

SEC. 306. TITLE 31 AMENDMENTS.

Section 3726(b) of title 31, United States Code, is amended—

(1) in paragraph (1) by striking “on file with the Interstate Commerce Commission,” and inserting in lieu thereof “under title 49 or on file with’’;

(2) in paragraph (1) by striking “or’’ at the end;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following new paragraph:

“(2) a lawfully quoted rate subject to the jurisdiction of the Surface Transportation Board; or’’; and

(5) in paragraph (3), as redesignated by paragraph (4) of this section, by striking “sections 10721–10724’’ and inserting in lieu thereof “sections 10721, 13712, and 15504’’.

SEC. 307. TITLE 39 AMENDMENTS.

Title 39, United States Code, is amended—

(1) in section 5005(a)(4) by striking “5201(7)’’ and inserting in lieu thereof “5201(6)’’;

(2) in section 5005(b)(3) by striking “Interstate Commerce Commission’’ and inserting in lieu thereof “Surface Transportation Board’’; and

(3) by striking paragraph (1) of section 5201 and inserting in lieu thereof the following:

“(1) ‘Board’ means the Surface Transportation Board’’;

(4) in section 5201(2) by striking “a motor common carrier, or express carrier’’ and inserting in lieu thereof “or a motor carrier’’;

(5) in section 5201(4)—

(A) by striking “common’’; and

(B) by striking “permit’’ and inserting in lieu thereof “registration’’;

(6) in section 5201(5)—

(A) by striking “common” each place it appears;

(B) by striking “10102(14)” and inserting in lieu thereof “13102(12)”;

(C) by striking “certificate of public convenience and necessity’’ and inserting in lieu thereof “registration’’;

(7) by striking paragraph (6) of section 5201;

(8) in section 5201 by redesigning paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) in section 5201(6), as so redesignated, by striking “certificate of public convenience and necessity’’ and inserting in lieu thereof “certificate or registration’’;
(10) in section 5203(f) by striking “motor common carrier” each place it appears and inserting in lieu thereof “motor carrier”;
(11) in the section heading to section 5207 by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”;
(12) in sections 5208(a) and 5215(a) by striking “Commission’s” and inserting in lieu thereof “Board’s”;
(13) in section 5215(a) by striking “motor common carrier” and inserting in lieu thereof “motor carrier”;
(14) in chapter 52 by striking “Commission” each place it appears and inserting in lieu thereof “Board”; and
(15) in the item relating to section 5207 of the table of sections of chapter 52, by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”.

SEC. 308. TITLE 49 AMENDMENTS.

(a) Section 302.—Section 302(a) of title 49, United States Code, is amended by striking “10101a” and inserting in lieu thereof “13101”.
(b) Section 333.—Section 333 of such title is amended—
(1) in subsection (c)(2) by striking “11910(a)(1)” and inserting in lieu thereof “11904”; and
(2) in subsection (e)—
(A) by striking “11343(a)” and inserting in lieu thereof “11323(a)”;
(B) by striking “11344(b)” and inserting in lieu thereof “11324(b)”.
(c) Chapter 5.—Subchapter I of chapter 5 of such title is amended—
(1) by striking “DUTIES” the first place it appears in the subchapter heading; and
(2) in section 501(a)(1) by striking “section 10102” and inserting in lieu thereof “sections 10102 and 13102”.
(d) Section 5102.—Section 5102(7) of such title is amended—
(1) by striking “common”; 
(2) by striking “motor contract carrier,”; and
(3) by striking “10102” and inserting in lieu thereof “13102”.
(e) Section 5333.—Section 5333(b)(3) of such title is amended by striking “11347” and inserting in lieu thereof “11326”.
(f) Chapter 221.—Chapter 221 of such title is amended—
(1) in section 22101(a) by striking “subchapter I of chapter 105” and inserting in lieu thereof “part A of subtitle IV”;
(2) in section 22101(a)(1) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”;
(3) in section 22103(b)(1) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”;
(4) in section 22107(c)—
(A) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”; and
(B) by striking “Commission” the second place it appears and inserting in lieu thereof “Board”; and
(5) in section 22107(d) by striking “subchapter I of chapter 105” and inserting in lieu thereof “part A of subtitle IV”.
(g) Section 24301.—Section 24301 of such title is amended—
(1) in subsection (c)—
(A) by striking “Subtitle IV” in paragraph (1) and inserting in lieu thereof “Part A of subtitle IV”;
(B) by striking “sections 10721–10724 of this title apply” in paragraph (2)(A) and inserting in lieu thereof “sections 10721 of this title apply”.

(C) by striking “Interstate Commerce Commission under any provision of subtitle IV of this title applicable to a carrier subject to subchapter I of chapter 105” in paragraph (2)(B) and inserting in lieu thereof “Surface Transportation Board under part A of subtitle IV”, and
(2) in subsection (d) by striking “common carrier subject to subchapter I of chapter 105” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV”.
(h) Section 24501.—Section 24501(b) of such title is amended by striking “subchapter I of chapter 105” and inserting in lieu thereof “part A of subtitle IV”.
(i) Section 24705.—Section 24705 of such title is amended by striking subsection (d).
(j) Sections 30103 and 30166.—Sections 30103(a) and 30106(d) of such title are each amended by striking “subchapter II of chapter 105” each place it appears and inserting in lieu thereof “subchapter I of chapter 135”.
(k) Chapter 315.—Chapter 315 of such title is amended—
(1) in section 31501(2) by striking “10102” and inserting in lieu thereof “13102”;
(2) in section 31501(3)(A) by striking “10521(a)” and inserting in lieu thereof “13501”; and
(3) in section 31502(a)(1) by striking “10521 and 10522” by inserting in lieu thereof “13501 and 13502”; and
(4) in section 31503(a) by striking “subchapter II of chapter 105” and inserting in lieu thereof “subchapter I of chapter 135”.
(l) Sections 41309 and 41502.—Sections 41309(b)(2)(A) and 41502 of such title are each amended by striking “common” each place it appears.
(m) Section 60115.—Section 60115(b)(4)(A) of such title is amended by striking “(referred to in section 10344(f) of this title)”.

Subtitle B—Other Amendments

Sec. 311. Agricultural Adjustment Act of 1938 Amendments.
Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) is amended—
(1) by striking “Interstate Commerce Commission” each place it appears and inserting in lieu thereof “Surface Transportation Board”; and
(2) by striking “Commission” each place it appears (other than a place to which paragraph (1) applies) and inserting in lieu thereof “Board”; and
(3) by striking “Commission’s” in subsection (b) and inserting in lieu thereof “Board’s”.

Sec. 312. Animal Welfare Act Amendment.
Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”.

Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended—
(1) by striking “Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act” and inserting in lieu thereof “Surface Transportation Board shall each maintain”; and
(2) by inserting “or Board” after “or such Commission”.

Sec. 314. Fair Credit Reporting Act Amendment.
Section 621(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(4)) is amended by striking “Interstate Commerce Commis-
tion with respect to any common carrier subject to those Acts” and inserting in lieu thereof “Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board”.

SEC. 315. EQUAL CREDIT Opportunity Act Amendment.

Section 704(a)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c(a)(4)) is amended by striking “Interstate Commerce Commission with respect to any common carrier subject to those Acts” and inserting in lieu thereof “Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board”.

SEC. 316. FAIR DEBT COLLECTION Practices Act Amendment.

Section 814(b)(4) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(b)(4)) is amended by striking “Interstate Commerce Commission with respect to any common carrier subject to those Acts” and inserting in lieu thereof “Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board”.

SEC. 317. NATIONAL Trails System Act Amendments.

The National Trails System Act is amended—

16 USC 1247.

(1) in section 8(d)—

(A) by striking “Chairman of the Interstate Commerce Commission” and inserting in lieu thereof “Chairman of the Surface Transportation Board”; and

(B) by striking “Commission” the second place it appears and inserting in lieu thereof “Board”; and

16 USC 1248.

(2) in section 9(b) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”.

SEC. 318. Clayton ACT Amendments.

The Clayton Act is amended—

15 USC 26.

(1) in section 7 (15 U.S.C. 18)—

(A) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”; and

(B) by inserting “, Board,” after “vesting such power in such Commission”;

(2) in section 11(a) (15 U.S.C. 21(a)) by striking “Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended” and inserting in lieu thereof “Surface Transportation Board where applicable to common carriers subject to jurisdiction under subtitle IV of title 49, United States Code”; and

(3) in section 16 (15 U.S.C. 22) by striking “in equity for injunctive relief” and all that follows through “Interstate Commerce Commission” and inserting in lieu thereof “for injunctive relief against any common carrier subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code”.


Subsections (a) and (d) of section 1340 of the Energy Policy Act of 1992 (42 U.S.C. 13369 (a) and (d)) are each amended by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”.
SEC. 321. MERCHANT MARINE ACT, 1920, AMENDMENTS.

The Merchant Marine Act, 1920, is amended—

(1) in section 8 (46 U.S.C. App. 867)—
   (A) by striking “Interstate Commerce Commission” both places it appears and inserting in lieu thereof “Surface Transportation Board”; and
   (B) by striking “commission” and inserting in lieu thereof “Board”;

(2) in section 27A (46 U.S.C. App. 883-1) by striking “common or contract” and all that follows through “, which otherwise” and inserting in lieu thereof “carrier subject to jurisdiction under subchapter II of chapter 135 of title 49, United States Code, which otherwise”; and

(3) in section 28 (46 U.S.C. App. 884)—
   (A) by striking “common”;
   (B) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Surface Transportation Board”; and
   (C) by striking “commission” each place it appears and inserting in lieu thereof “Board”.

SEC. 322. RAILWAY LABOR ACT AMENDMENTS.

Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended—

(1) in the first paragraph by striking “express company, sleeping-car company, carrier by railroad, subject to the Interstate Commerce Act” and inserting in lieu thereof “railroad subject to the jurisdiction of the Surface Transportation Board”;

(2) in the first and fifth paragraphs by striking “Interstate Commerce Commission” each place it appears and inserting in lieu thereof “Surface Transportation Board”;

(3) in the fifth paragraph by striking “Commission” the second and fourth places it appears and inserting in lieu thereof “Board”.

SEC. 323. RAILROAD RETIREMENT ACT OF 1974 AMENDMENTS.

Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended—

(1) by striking subsection (a)(1)(i) and inserting in lieu thereof the following:
   “(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49, United States Code;”;

(2) in subsection (a)(2)(ii) by striking “Interstate Commerce Commission is hereby authorized and directed upon request of the Board” and inserting in lieu thereof “Surface Transportation Board is hereby authorized and directed upon request of the Railroad Retirement Board”; and

(3) in subsection (o) by inserting “the Surface Transportation Board,” after “the Interstate Commerce Commission,”.

SEC. 324. RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS.

The Railroad Unemployment Insurance Act is amended—

(1) in section 1(a) (45 U.S.C. 351(a)) by striking “Interstate Commerce Commission is hereby authorized and directed upon request of the Board” and inserting in lieu thereof “Surface Transportation Board is hereby authorized and directed upon request of the Railroad Retirement Board”; and

(2) by striking paragraph (b) of such section 1 and inserting in lieu thereof the following:
   “(b) The term ‘carrier’ means a railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49, United States Code;”;

(3) by striking “Interstate Commerce Commission, adjusted, as determined by the Board” in section 2(h)(3) (45 U.S.C. 352(h)(3)) and inserting in lieu thereof “Surface Transportation
Board, adjusted, as determined by the Railroad Retirement Board.

SEC. 325. EMERGENCY RAIL SERVICES ACT OF 1970 AMENDMENTS.

The Emergency Rail Services Act of 1970 is amended—
(1) in section 2 (45 U.S.C. 661)—
(A) by striking paragraph (2) and inserting in lieu thereof the following:
“(2) ‘Board’ means the Surface Transportation Board.”; and
(B) in paragraph (3) by striking “common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1-27)” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV of title 49, United States Code”; and
(2) in section 3—
(A) by striking “the provisions of section 5 of the Interstate Commerce Act” in subsection (b)(4) and inserting in lieu thereof “subchapter II of chapter 113 of title 49, United States Code”; and
(B) by striking “Commission” each place it appears and inserting in lieu thereof “Board”; and
(3) in section 6(a) (45 U.S.C. 665(a)) by striking “Interstate Commerce Commission” and inserting in lieu thereof “Board”.

SEC. 326. ALASKA RAILROAD TRANSFER ACT OF 1982 AMENDMENTS.

Section 608 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1207) is amended—
(1) by striking “the jurisdiction of the Interstate Commerce Commission under chapter 105” in subsection (a)(1) and inserting in lieu thereof “part A”; and
(2) by striking “the jurisdiction of the Interstate Commerce Commission under chapter 105” in subsection (c) and inserting in lieu thereof “part A”.

SEC. 327. REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS.

The Regional Rail Reorganization Act of 1973 is amended—
(1) in section 102(15) (45 U.S.C. 702(15)) by striking “common carrier by railroad as defined in section 1(3) of part I of the Interstate Commerce Act (49 U.S.C. 1(3))” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV of title 49, United States Code”; and
(2) in section 301(b) (45 U.S.C. 741(b)) by striking “common carrier by railroad under section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV of title 49, United States Code”; and
(3) in section 304 (45 U.S.C. 744)—
(A) by striking “205(d)(6) of this Act” in subsection (a)(2)(B) and inserting in lieu thereof “10362(b)(6) of title 49, United States Code”; and
(B) by striking “Interstate Commerce Act” and inserting in lieu thereof “part A of subtitle IV of title 49, United States Code”; and
(C) in subsection (d)(3)—
(i) by striking “this title,” and all that follows through “(A) shall take” and inserting in lieu thereof “this title, the Commission shall take”; and
(ii) by striking “this subsection; and” and all that follows through “205(d)(6) of this Act” and inserting in lieu thereof “this subsection”; and
(D) in subsection (e)(4)—
(i) by striking “and under regulations issued by the Office pursuant to section 205(d)(5) of this Act” in subparagraph (A); and
(ii) by striking “and regulations issued by the Office pursuant to section 205(d)(5) of this Act” in subparagraph (C);

(E) in subsection (e)(5)—

(i) by striking “and under regulations issued by the Office pursuant to section 205(d)(5) of this Act” in subparagraph (A); and

(ii) by striking “and under regulations issued by the Office pursuant to section 205(d)(5) of this Act” in subparagraph (B);

(F) in subsection (e)(7)(A) by striking “and under regulations issued by the Office pursuant to section 205(d)(5) of this Act”;

(G) in subsection (g) by striking “the Interstate Commerce Act” and inserting in lieu thereof “part A of subtitle IV of title 49, United States Code”;

(4) in section 308 (45 U.S.C. 748)—

(A) by striking “10905(d)–(f)” in subsection (d)(1) and inserting in lieu thereof “10904”; and

(B) by striking “10903(b)(2)” in subsection (f) and inserting in lieu thereof “10903(b)(3)”; and

(5) by inserting after section 712 the following new section:

“CLASS II RAILROADS RECEIVING FEDERAL ASSISTANCE

SEC. 713. The Surface Transportation Board shall impose no labor protection conditions in approving an application under section 10902 of title 49, United States Code, when the application involves a Class II rail carrier which—

“(1) is headquartered in a State, and operates in at least one State, with a population of less than 1,000,000 persons, as determined by the 1990 census; and

“(2) has, as of January 1, 1996, been a recipient of repayable Federal Railroad Administration assistance in excess of $5,000,000.”

SEC. 328. MILWAUKEE RAILROAD RESTRUCTURING ACT AMENDMENT.

Section 18 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 916) is repealed.

SEC. 329. ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT AMENDMENTS.

The Rock Island Railroad Transition and Employee Assistance Act is amended—

(1) in section 104(a) (45 U.S.C. 1003(a)) by striking “section 11125 of title 49, United States Code, or”;

and

(2) by striking section 120 (45 U.S.C. 1015).

SEC. 330. RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976 AMENDMENTS.

The Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) in section 102(7) (45 U.S.C. 802(7)) by striking “common carrier by railroad or express, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV of title 49, United States Code”;

(2) in section 505(a)(3) (45 U.S.C. 825(a)(3))—

(A) by striking “A financially responsible person (as defined in section 10910(a)(1) of title 49, United States Code)” and inserting in lieu thereof “A financially responsible person”; and

(B) by inserting at the end the following new subparagraph:

“(B) For purposes of this paragraph, the term ‘financially responsible person’ means a person who (i) is capable of paying
the constitutional minimum value of the railroad line proposed to be acquired, and (ii) is able to assure that adequate transporta-
tion will be provided over such line for a period of not less than 3 years. Such term includes a governmental authority but
does not include a class I or class II rail carrier.

(3) in section 509(b) (45 U.S.C. 829(b)) by striking para-
graph (2); and

(4) in section 510 (45 U.S.C. 830) by striking “the provisions
of section 20a of the Interstate Commerce Act (49 U.S.C. 20a),
or”.

SEC. 331. NORTHEAST RAIL SERVICE ACT OF 1981 AMENDMENTS.

The Northeast Rail Service Act of 1981 is amended in section
1164 (45 U.S.C. 1112) by striking “11344 or 11345” each place
it appears and inserting in lieu thereof “11324 or 11325”.

SEC. 332. CONRAIL PRIVATIZATION ACT AMENDMENT.

Section 4036 of the Conrail Privatization Act (45 U.S.C. 1344)
is amended by striking “(19)”.

SEC. 333. MIGRANT AND SEASONAL AGRICULTURAL WORKER
PROTECTION ACT AMENDMENTS.

Section 401(b)(2)(C) of the Migrant and Seasonal Agricultural
Worker Protection Act (29 U.S.C. 1841(b)(2)(C)) is amended by
striking “part II of the Interstate Commerce Act (49 U.S.C. 301
et seq.), or any successor provision of” and inserting in lieu thereof “part B of”.

SEC. 334. FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

Section 601(d) of the Federal Aviation Administration
Authorization Act of 1994 (Public Law 103–305) is repealed.

SEC. 335. TERMINATION OF CERTAIN MARITIME AUTHORITY.

(a) REPEAL OF INTERCOASTAL SHIPPING ACT, 1933.—The Inter-
coastal Shipping Act, 1933 (46 U.S.C. App. 843 et seq.) is repealed
effective September 30, 1996.

(b) REPEAL OF PROVISIONS OF SHIPPING ACT, 1916.—The follow-
ing provisions of the Shipping Act, 1916 are repealed effective September 30, 1996:

(1) Section 3 (46 U.S.C. App. 804).
(2) Section 14 (46 U.S.C. App. 812).
(9) Section 21 (46 U.S.C. App. 820).
(10) Section 22 (46 U.S.C. App. 821).
(21) Section 43 (46 U.S.C. App. 841a).
(22) Section 45 (46 U.S.C. App. 841c).

(c) CONFORMING AMENDMENTS.—

(1) MERCHANT MARINE ACT, 1936.—Section 204(a) of the
Merchant Marine Act, 1936 (46 U.S.C. App. 1114(a)) is amended
by striking “the Intercoastal Shipping Act, 1933,”.
(2) Shipping Act of 1984.—Section 5(e) of the Shipping Act of 1984 (46 U.S.C. App. 1704(e)) is amended—
   (A) by striking “This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933,” and inserting “This Act and the Shipping Act, 1916”; and
   (B) by striking “this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933,” and inserting “this Act or the Shipping Act, 1916”.

SEC. 336. ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993 AMENDMENTS.

Section 5(2) of the Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5904) is amended—
   (1) by striking “subchapter II of chapter 105” and inserting in lieu thereof “subchapter I of chapter 135”; and
   (2) by striking “holding the appropriate certificate, permit, or license issued under subchapter II of chapter 109” and inserting in lieu thereof “is registered under chapter 139”.

SEC. 337. LABOR MANAGEMENT RELATIONS ACT, 1947 AMENDMENT.

Section 302(b)(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 186(b)(2)) is amended by striking the parenthetical phrase and inserting in lieu thereof “as defined in section 13102 of title 49, United States Code”.

SEC. 338. INLANDS WATERWAY REVENUE ACT OF 1978 AMENDMENT.

Section 205(f)(1) of the Inlands Waterway Revenue Act of 1978 (33 U.S.C. 1803(f)(1)) is amended by striking “as set forth” and all that follows through the period at the end and inserting in lieu thereof “as set forth in sections 10101 and 13101 of title 49, United States Code.”.

SEC. 339. NOISE CONTROL ACT OF 1972 AMENDMENT.

Section 18(d) of the Noise Control Act of 1972 (42 U.S.C. 4917(d)) is amended to read as follows:
   “(d) For purposes of this section, the term ‘motor carrier’ includes a motor carrier and motor private carrier as those terms are defined in section 13102 of title 49, United States Code.”.

SEC. 340. FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT.

Section 13(b)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(2)) is amended by striking “common carrier by rail and subject to the provisions of part I of the Interstate Commerce Act” and inserting in lieu thereof “rail carrier subject to part A of subtitle IV of title 49, United States Code”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CERTAIN COMMERCIAL SPACE LAUNCH ACTIVITIES.

The licensing of a launch vehicle or launch site operator (including any amendment, extension, or renewal of the license) under chapter 701 of title 49, United States Code, shall not be considered a major Federal action for purposes of section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) if—
   (1) the Department of the Army has issued a permit for the activity; and
   (2) the Army Corps of Engineers has found that the activity has no significant impact.
SEC. 402. DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES; WRECKING TRAINS.

(a) DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES.—Section 33 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever” the first place it appears; and

(2) by adding at the end the following:

“(b) Whoever is convicted of a violation of subsection (a) involving a motor vehicle that, at the time the violation occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term of years not less than 30, or for life.”.

(b) WRECKING TRAINS.—Section 1992 of such title is amended—

(1) by inserting “(a)” before “Whoever” the first place it appears;

(2) by inserting “(b)” before “Whoever is convicted”;

(3) striking “any such crime, which” and inserting “a violation of subsection (a) that”;

(4) by inserting after the paragraph beginning “Whoever is convicted” the following:

“Whoever is convicted of any such violation involving a train that, at the time the violation occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term or years not less than 30, or for life.”; and

(5) by inserting “(c)” before “A judgment”.

SEC. 403. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31310 of title 49, United States Code, is amended by adding at the end thereof the following:

“(h) GRADE-CROSSING VIOLATIONS.—

“(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

“(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

“(A) the penalty for a single violation is not less than a 60-day disqualification of the driver’s commercial driver’s license; and

“(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.”.

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) of title 49, United States Code, is amended by adding at the end thereof the following:

“(18) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.”.

SEC. 404. MISCELLANEOUS TITLE 23 AMENDMENTS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(g) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN PENNSYLVANIA HIGHWAYS.—If the segment of United States Route 220 between Bedford and Bald Eagle, Pennsylvania,
is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to that segment with respect to the operation of any vehicle which could have legally operated on that segment before the date of the enactment of this subsection.”

SEC. 405. TECHNICAL AMENDMENTS.

(a) NHS DESIGNATION ACT.—Effective November 28, 1995, the National Highway System Designation Act of 1995 (Public Law 104–59) is amended—

(1) in section 312(b) (109 Stat. 584) by striking “of such title” and inserting in lieu thereof “of title 23, United States Code”;

(2) in section 319(b)(3) (109 Stat. 589) by striking “at the end” and inserting in lieu thereof “after paragraph (3)”;

(3) in section 332(a)(1)(C)(iii) (109 Stat. 596) by inserting closing quotation marks after “Mexico”;

(4) in section 336(1) (109 Stat. 602)—

(A) by striking “for” each place it appears; and

(B) by inserting “for” after “million” each place it appears; and

(5) by inserting closing quotation marks and a period after the period at the end of section 337(c)(1)(B) (109 Stat. 603).

(b) TITLE 23.—Section 149(b) of title 23, United States Code, is amended—

(1) by inserting “or” after the semicolon at the end of paragraph (3); and

(2) by striking “; or” at the end of paragraph (4) and inserting a period.

(c) ISTEA.—Section 1069(v) of the International Surface Transportation Efficiency Act of 1991 (105 Stat. 2010) is amended by striking the period at the end of the first sentence.

SEC. 406. FIBER DRUM PACKAGING.

(a) IN GENERAL.—In the administration of chapter 51 of title 49, United States Code, the Secretary of Transportation shall issue a final rule within 60 days after the date of the enactment of this Act authorizing the continued use of fiber drum packaging with a removable head for the transportation of liquid hazardous materials with respect to those liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991, if—

(1) the packaging is in compliance with regulations of the Secretary under the Hazardous Materials Transportation Act as in effect on September 30, 1991; and

(2) the packaging will not be used for the transportation of hazardous materials that include materials which are poisonous by inhalation or materials in Packing Groups I and II.

(b) EXPIRATION.—The regulation referred to in subsection (a) shall expire on the later of September 30, 1997, or the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (relating to transportation of hazardous materials), for fiscal years beginning after September 30, 1997.

(c) STUDY.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary shall contract with the National Academy of Sciences to conduct a study—

(A) to determine whether the requirements of section 5103(b) of title 49, United States Code (relating to regulations for safe transportation), as they pertain to fiber drum packaging with a removable head can be met for the transportation of liquid hazardous materials (with respect to those liquid hazardous materials transported by such
drums pursuant to regulations in effect on September 30, 1991) with standards (including fiber drum industry standards set forth in a June 8, 1992, exemption application submitted to the Department of Transportation), other than the performance-oriented packaging standards adopted under docket number HM-181 contained in part 178 of title 49, Code of Federal Regulations; and

(B) to determine whether a packaging standard (including such fiber drum industry standards), other than such performance-oriented packaging standards, will provide an equal or greater level of safety for the transportation of liquid hazardous materials than would be provided if such performance-oriented packaging standards were in effect.

(2) Completion.—The study shall be completed before March 1, 1997 and shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Transportation and Infrastructure Committee of the House of Representatives.

(d) Secretarial Action.—By September 30, 1997, the Secretary shall issue final regulations to determine what standards should apply to fiber drum packaging with a removable head for transportation of liquid hazardous materials (with respect to those liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) after September 30, 1997. In issuing such regulations, the Secretary shall give full and substantial consideration to the results of the study conducted in subsection (c).

SEC. 407. NONCONTIGUOUS DOMESTIC TRADE STUDY.

Within 6 months after the effective date of this Act, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study that analyzes each of the noncontiguous domestic trades, including analyzing—

(1) carrier competition in both regulated and unregulated portions of those trades;
(2) rate structures in those trades;
(3) the impact of tariff filing on carrier pricing;
(4) the problems of parallel pricing and its impact on competition in the domestic trades;
(5) the impact on domestic cargo pricing of foreign cargo services;
(6) whether additional protections are needed to protect shippers from the abuse of market power; and
(7) the extent to which statutory or regulatory changes should be made to further the transportation policy of section 13101 of title 49, United States Code.

SEC. 408. FEDERAL HIGHWAY ADMINISTRATION RULEMAKING.

(a) Advance Notice.—The Federal Highway Administration shall issue an advance notice of proposed rulemaking dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver alertness) not later than March 1, 1996.
(b) Rulemaking.—The Federal Highway Administration shall issue a notice of proposed rulemaking dealing with such issues within 1 year after issuance of the advance notice under subsection (a) is published and shall issue a final rule dealing with those issues within 2 years after the last day of such 1-year period.

Approved December 29, 1995.

LEGISLATIVE HISTORY—H.R. 2539 (S. 1396):
HOUSE REPORTS: Nos. 104–311 (Comm. on Transportation and Infrastructure) and 104–422 (Comm. of Conference).
    Nov. 14, considered and passed House.
    Nov. 28, considered and passed Senate, amended, in lieu of S. 1396.
    Dec. 21, Senate agreed to conference report.
    Dec. 22, House agreed to conference report.
    Dec. 29, Presidential statement.
An Act

To increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

1. COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

2. ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(a)(1) of such title.

3. CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

4. NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

5. OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

6. ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

7. ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

8. DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b), as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.
SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

Approved November 22, 1995.

LEGISLATIVE HISTORY—H.R. 2394:
HOUSE REPORTS: No. 104-273 (Comm. on Veterans’ Affairs).
   Oct. 10, considered and passed House.
   Nov. 9, considered and passed Senate, amended.
   Nov. 10, House concurred in Senate amendment.
   Nov. 22, Presidential statement.
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