

“(2) The amendment made by subsection (a) shall take effect on January 1, 1993.”

SEC. 5. AMENDMENTS TO OTHER PROVISIONS OF LAW.

(a) **OMNIBUS BUDGET RECONCILIATION ACT OF 1990.**—The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388) is amended—

(1) in section 7101(c)(2) (104 Stat. 1388-332) by striking “took effect, subject to section 7104.” and inserting “took effect.”; and

(2) in section 7202(n) (104 Stat. 1388-340)—

(A) in paragraph (2) by striking “section 8347(p)(1)” each place it appears and inserting “section 8347(q)(1); and

(B) in paragraph (4) by striking “section 8347(p)(2)” and inserting “section 8347(q)(2)”.

(b) **FEDERAL PAY COMPARABILITY ACT OF 1970.**—Section 5(a) of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2(a)) is amended by inserting “of title 5, United States Code,” after “Whenever an adjustment under section 5303”.

(c) **PUBLIC LAW 100-446.**—Section 8(c)(2) of Public Law 100-446 (2 U.S.C. 178g(c)(2); 102 Stat. 1786) is amended by striking the second sentence.

(d) **PUBLIC LAW 102-198.**—Section 7(c)(4) of Public Law 102-198 (105 Stat. 1625) is amended—

(1) in subparagraph (A) by striking “2440d” and inserting “8440d”; and

(2) in subparagraph (B) by striking “subchapter III of”.

(e) **PUBLIC LAW 102-233.**—Section 21A(b)(9)(B)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)(B)(i)), as amended by section 201 of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (Public Law 102-233; 105 Stat. 1765), is amended by striking the last 3 sentences.

SEC. 6. RESTORATION OF COVERAGE OF CERTAIN FEDERAL PERSONNEL PROVISIONS TO CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) **IN GENERAL.**—Section 7511(b) of title 5, United States Code, is amended—

(1) by amending paragraph (7) to read as follows:

“(7) whose position is within the Central Intelligence Agency or the General Accounting Office;”;

(2) in paragraph (8) by striking “or” after the semicolon;

(3) in paragraph (9) by striking “title.” and inserting “title; or”; and

(4) by adding at the end the following:

“(10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.”.

(b) **APPLICABILITY.**—(1) The amendments made by subsection (a) shall apply with respect to any personnel action taking effect on or after the date of enactment of this Act.

(2) In the case of an employee or former employee of the Veterans Health Administration (or predecessor agency in name)—

(A) against whom an adverse personnel action was taken before the date of enactment of this Act,

(B) who, as a result of the enactment of the Civil Service Due Process Amendments (5 U.S.C. 7501 note), became ineligible to appeal such action to the Merit Systems Protection Board,

(C) as to whom that appeal right is restored as a result of the enactment of subsection (a), or would have been restored but for the passage of time, and

(D) who is not precluded, by section 7121(e)(1) of title 5, United States Code, from appealing to the Merit Systems Protection Board,

the deadline for bringing an appeal under section 7513(d) or section 4303(e) of such title

with respect to such action shall be the latter of—

(i) the 60th day after the date of enactment of this Act; or

(ii) the deadline which would otherwise apply if this paragraph had not been enacted.

SEC. 7. RETROACTIVE PERFORMANCE AWARDS.

(a) **IN GENERAL.**—Section 7(b) of the Thrift Savings Plan Technical Amendments Act of 1990 (5 U.S.C. 3392 note; Public Law 101-335) is amended by adding at the end thereof the following new paragraph:

“(3) **RETROACTIVE PERFORMANCE AWARDS.**—If an individual elects under paragraph (2) to continue to be subject to performance awards, the head of the agency in which such individual is serving shall determine whether to grant retroactive performance awards for any fiscal years prior to fiscal year 1991 to such individual, and the amount of any such awards, without regard to the provisions of subsection (b) of section 5383 of title 5, United States Code, and subsections (b) and (c) of section 5384 of such title. Before granting an award, the head of the agency shall make a written determination that the individual's performance during the fiscal year for which the award is given was at least fully successful, and shall consider the recommendation of the agency's performance review board with respect to the award. No such award for performance during any fiscal year may be less than 5 percent nor more than 15 percent of the individual's rate of basic pay as of the end of such fiscal year.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as if enacted as a part of section 7 of the Thrift Savings Plan Technical Amendments Act of 1990.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) **ELIMINATION OF DUPLICATIVE AMENDMENTS MADE BY THE DEFENSE ACQUISITION WORKFORCE IMPROVEMENT ACT.**—Subsections (i) and (j) of section 1206 of the Defense Acquisition Workforce Improvement Act, as contained in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1662, 1663), are repealed, and title 5, United States Code, shall read as if such subsections had not been enacted.

(b) **PROVISIONS RELATING TO COMPARABILITY PAYMENTS IN 1994 AND 1995.**—Notwithstanding section 5304 of title 5, United States Code, for purposes of any comparability payments scheduled to take effect under such section during calendar years 1994 and 1995, respectively—

(1) the report required by subsection (d)(1) of such section may be submitted not later than 1 month before the start of the calendar year for purposes of which it is prepared; and

(2) the surveys conducted by the Bureau of Labor Statistics for use in preparing any such report may be other than annual surveys, and shall, to the greatest extent practicable, be completed not later than 4 months before the start of the calendar year for purposes of which the surveys are conducted.

SEC. 9. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect as of the date of enactment of this Act.

(b) **EXCEPTIONS.**—(1) The amendment made by section 4(c) shall be effective as of December 31, 1991.

(2) The amendments made by section 5(d) shall be effective as of December 9, 1991.

(3) The amendments made by sections 2(13) and 2(17) shall be effective as of October 1, 1991.

(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) shall be effective as of May 4, 1991.

(5) The amendments made by section 2(25) shall be effective as of February 3, 1991.

(6) The provisions of section 8(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) shall be effective as of November 5, 1990.

(7) The amendment made by section 2(52) shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under—

(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect or an election that is made before the date of enactment of this Act; or

(B) section 5551(b) of title 5, United States Code, which is attributable to an individual's being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

(8) The amendment made by section 2(69) shall be effective as of November 10, 1988.

(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(10) The amendments made by section 2(28) shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

(11) The amendment made by section 2(49) shall apply with respect to a separation that takes effect on or after the date of enactment of this Act.

(12) The amendment made by section 5(e) shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act.

On motion of Mr. SAWYER, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶110.31 VETERANS AFFAIRS DRUG PROCUREMENT

Mr. MONTGOMERY moved to suspend the rules and pass the bill (H.R. 2890) to establish limits on the prices of drugs procured by the Department of Veterans Affairs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SANGMEISTER, recognized Mr. MONTGOMERY and Mr. STUMP, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SANGMEISTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: “An Act to amend title XIX of the Social Security Act to establish limits on the prices of prescription drugs procured by the Department of Veterans Affairs or purchased by certain clinics and hospitals, and for other purposes.”.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶110.32 NATIONAL RIVERS SYSTEMS STUDY

Mr. KOSTMAYER moved to suspend the rules and pass the bill (H.R. 5001) to amend the Outdoor Recreation Act of 1963 to authorize the National Park Service and the United States Geological Survey to conduct a national river systems recreation assessment; as amended.

The SPEAKER pro tempore, Mr. SANGMEISTER, recognized Mr. KOSTMAYER and Mr. RHODES, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SANGMEISTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶110.33 NORTHERN CHEYENNE INDIAN WATER RIGHTS SETTLEMENT

Mr. WILLIAMS moved to suspend the rules and pass the bill of the Senate (S. 1607) to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes.

The SPEAKER pro tempore, Mr. SANGMEISTER, recognized Mr. WILLIAMS and Mr. RHODES, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SANGMEISTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶110.34 HAWAIIAN HOMES COMMISSION AMENDMENTS

Mr. ABERCROMBIE moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 23) to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The SPEAKER pro tempore, Mr. SANGMEISTER, recognized Mr. ABER-

CROMBIE and Mr. RHODES, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. SANGMEISTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶110.35 OLDER AMERICANS ACT AUTHORIZATION

Mr. FORD of Michigan moved to suspend the rules and agree to the following amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment to the text of the bill, insert:
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Older Americans Act Amendments of 1992".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.
TITLE I—OBJECTIVES AND DEFINITIONS
Sec. 101. Objectives.
Sec. 102. Definitions.

TITLE II—ADMINISTRATION
Sec. 201. Administration on Aging.
Sec. 202. Functions of Commissioner.
Sec. 203. Federal agency consultation.
Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.

Sec. 205. Federal Council on the Aging.
Sec. 206. Nutrition officer.
Sec. 207. Evaluation.
Sec. 208. Reports.
Sec. 209. Nutrition education.
Sec. 210. Authorization of appropriations.
Sec. 211. Study of effectiveness of State long-term care ombudsman programs.
Sec. 212. Study on board and care facility quality.
Sec. 213. Study on home care quality.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING
Sec. 301. Purpose of grants for State and community programs on aging.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations; uses of funds.
Sec. 304. Allotment; Federal share.
Sec. 305. Organization.
Sec. 306. Area plans.
Sec. 307. State plans.
Sec. 308. Planning, coordination, evaluation, and administration of State plans.

Sec. 309. Disaster relief reimbursements.
Sec. 310. Availability of surplus commodities.
Sec. 311. Rights relating to in-home services for frail older individuals.
Sec. 312. Supportive services.
Sec. 313. Congregate nutrition services.
Sec. 314. Home delivered nutrition services.
Sec. 315. Criteria.
Sec. 316. School-based meals for volunteer older individuals and multigenerational programs.
Sec. 317. Dietary guidelines; payment requirement.
Sec. 318. In-home services.
Sec. 319. Preventive health services.
Sec. 320. Supportive activities for caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS
Sec. 401. Statement of purpose.
Sec. 402. Priorities for grants and discretionary projects.
Sec. 403. Purposes of education and training projects.
Sec. 404. Grants and contracts.
Sec. 405. Multidisciplinary centers of gerontology.
Sec. 406. Demonstration projects.
Sec. 407. Special projects in comprehensive long-term care.
Sec. 408. Ombudsman and advocacy demonstration projects.
Sec. 409. Demonstration projects for multigenerational activities.
Sec. 410. Supportive services in federally assisted housing demonstration program.
Sec. 411. Neighborhood senior care program.
Sec. 412. Information and assistance systems development projects.
Sec. 413. Senior transportation demonstration program grants.
Sec. 414. Resource Centers on Native American Elders.
Sec. 415. Demonstration programs for older individuals with developmental disabilities.
Sec. 416. Housing demonstration programs.
Sec. 417. Private resource enhancement projects.
Sec. 418. Career preparation for the field of aging.
Sec. 419. Pension information and counseling demonstration projects.
Sec. 420. Authorization of appropriations.
Sec. 421. Payments of grants for demonstration projects.
Sec. 422. Responsibilities of Commissioner.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Interagency cooperation.
Sec. 504. Equitable distribution of assistance.
Sec. 505. Authorization of appropriations.
Sec. 506. Dual eligibility.
Sec. 507. Treatment of assistance provided under the Older American Community Service Employment Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

Sec. 601. Applications by tribal organizations.
Sec. 602. Distribution of funds among tribal organizations.
Sec. 603. Applications by organizations serving Native Hawaiians.
Sec. 604. Distribution of funds among organizations.
Sec. 605. Authorization of appropriations.

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